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Letter dated 11 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 6 (m) of Security Council resolution 2002 (2011), I have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea (see annex).

In this connection, the Committee would appreciate it if the present letter, together with its enclosure were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) H. S. **Puri**
Chairman
Security Council Committee pursuant to
resolutions 751 (1992) and 1907 (2009)
concerning Somalia and Eritrea

Please recycle

Letter dated 27 June 2012 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

We have the honour to transmit herewith the report focusing on Somalia of the Monitoring Group on Somalia and Eritrea, in accordance with paragraph 6 (m) of Security Council resolution 2002 (2011).

(*Signed*) Matt **Bryden**
Coordinator
Monitoring Group on Somalia and Eritrea

(*Signed*) Emmanuel **Deisser**
Arms Expert

(*Signed*) Aurélien **Llorca**
Aviation Expert

(*Signed*) Jörg **Roofthooft**
Maritime Expert

(*Signed*) Ghassan **Schbley**
Finance Expert

(*Signed*) Babatunde **Taiwo**
Armed Groups Expert

(*Signed*) Kristele **Younes**
Humanitarian Expert

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)

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* The annexes are being circulated in the language of submission only.

** The annex has not been reproduced in the present document because it is strictly confidential.

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Abbreviations

AIAI	Al-Itihaad Al-Islam
AMISOM	African Union Mission in Somalia
ARS	Alliance for the Re-Liberation of Somalia
ASWJ	Ahlu Sunna wal Jama'a
COTAM	Commandement du transport aerién militaire
FNDB	Force de Défense Nationale du Burundi
GCC	Gulf Cooperation Council
HHPN	Hobyo-Harardheere Piracy Network
ICAO	International Civil Aviation Organization
ICRC	International Committee of the Red Cross
IMB	International Maritime Bureau
IMO	International Maritime Organization
NGO	Non-governmental organization
NSUM	Northern Somali Unionist Movement
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front
PMSC	Private maritime security company
PPN	Puntland Piracy Network
PSC	Private security company
RPG	Rocket-propelled grenade
SIPRI	Stockholm International Peace Research Institute
SSCA	Sool Sanaag Cayn Army
UIC	Union of Islamic Courts
UNDP	United Nations Development Programme
UNPOS	United Nations Political Office for Somalia
UNSOA	United Nations Support Office for AMISOM
UPDF	Uganda People's Defence Forces
WFP	World Food Programme

Summary

The final year of the term of office of the transitional federal institutions is due to expire in August 2012. But the transfer of power to a more effective, legitimate and broad-based national authority is threatened by the efforts of diverse Somali political leaders and their supporters to hijack or derail the transitional process, outcomes that would fuel continued instability and conflict, potentially reviving the fortunes of an embattled Al-Shabaab.

While such "spoiler" behaviour is partly an expression of legitimate political competition, it is also symptomatic of pervasive corruption within the transitional federal institutions. Since the collapse of the Somali Government in 1991, successive generations of Somali leaders have engaged in corrosive political and economic practices that have aggravated the conflict and helped thwart the restoration of peace and security in the country. Under the transitional federal institutions, the systematic misappropriation, embezzlement and outright theft of public resources have essentially become a system of governance, embodied in the popular Somali phrase "Maxaa igu jiraa?" ("What's in it for me?").

A May 2012 report commissioned by the World Bank found US$ 131 million in Transitional Federal Government revenue unaccounted for in the 2009-2010 period: 68 per cent of total recorded income for that period. The Monitoring Group's own investigations suggest that the real scale of corruption is probably even higher, since millions or dollars of revenue go unrecorded. In other words, out of every US$ 10 received by the Transitional Federal Government in 2009 and 2010, US$ 7 never made it into State coffers. In 2011, almost one quarter of total Transitional Federal Government expenditure (over US$ 12 million) was absorbed by the offices of the three top leaders: the President, the Prime Minister and the Speaker of Parliament. This represented roughly half of the Transitional Federal Government's domestic income and almost as much as the Government spends on security in a time of conflict.

Transitional Federal Government leaders find other ways to profit from their official positions as well. The Monitoring Group has learned that production and issuance of national passports has been quietly awarded to Transitional Federal Government cronies, resulting in extensive corruption and fraud since 2007. In the 2010-2011 period alone, almost US$ 1.5 million in passport revenue went missing.

Despite the shortcomings of the transitional federal institutions, Al-Shabaab has suffered dramatic reverses over the past year, experiencing military defeats, the loss of territory and the erosion of its revenue base, setbacks that have exacerbated rifts within the group's senior leadership and may yet push it to the point of rupture. Recent military successes against Al-Shabaab have been delivered mainly by foreign military forces, but international investment in Somali security sector institutions, notably the Somali National Security Force (NSF), is also beginning to produce results on the battlefield. The implementation of a United Nations ban on the importation of Somali charcoal would deliver another grave blow to Al-Shabaab's revenue flow, further undermining its cohesion and ability to engage in armed conflict. But principal importers of Somali charcoal, notably the United Arab Emirates and the Kingdom of Saudi Arabia, have so far failed to fulfil their obligations to enforce the ban imposed by Security Council resolution 2036 (2012).

Al-Shabaab continues to represent a serious threat to peace, security and stability, not only in Somalia but also on the broader international scene. In February 2012, the group announced a merger with Al-Qaida and has been actively strengthening its ties with other foreign extremist groups, including the Muslim Youth Centre in Kenya, the Ansaar Muslim Youth Centre in the United Republic of Tanzania and Al-Qaida in the Arabian Peninsula (Yemen). Monitoring Group investigations reveal that the Muslim Youth Centre in particular seeks to use its sanctuaries in Somalia as springboards for terrorist acts in Kenya, deploying several operational cells to Kenya in recent months for this purpose.

Somali-based piracy threatens not only the peace, the security and the stability of Somalia, but regional and international security as well. Although pirates have been more active than ever in 2011, the adoption of best management practices by the shipping industry, more effective international counter-piracy naval operations and the increasing use of private maritime security companies have substantially lowered the number of vessels successfully hijacked. As a result, pirates have to adapt and diversify, engaging in kidnap for ransom on land, and marketing their services as "counter-piracy" experts and "consultants" in ransom negotiations. This evolution of the piracy business model is being driven largely by members of the Somali diaspora, whose foreign language skills, passports and bank accounts are all valuable assets. But the Monitoring Group has also been able to confirm the collusion of senior Transitional Federal Government officials in shielding a notorious pirate kingpin from prosecution, providing him with a diplomatic passport and describing him as a "counter-piracy" envoy.

The pattern of arms embargo violations in Somalia has changed little over previous years. Arms markets in Yemen remained the principal source of supply of arms and ammunition for Somali non-State armed groups. Contributions by foreign Governments, mainly to the Transitional Federal Government but also to other authorities and militia forces, remained an important secondary source of supply.

The most significant development with respect to the arms embargo has been the large-scale and sustained deployment of foreign military forces on Somali soil. Djiboutian forces, deployed in December 2011, have since been "rehatted" as part of the African Union Mission in Somalia (AMISOM), and Kenyan troops, which entered Somalia in October 2011, finally joined AMISOM in June 2012. The Ethiopian National Defense Force (ENDF), which has mounted operations into much of southern and central Somalia since February 2012, has indicated that it intends to withdraw from those areas after handing over to AMISOM.

Private security companies also remain problematic, with two currently providing support to non-statutory forces in north-eastern Somalia, while Mogadishu is increasingly populated by private "guard forces" and at least one group of well-armed, foreign security forces protecting Turkish operations and personnel. The Monitoring Group remains deeply concerned by the operations of Sterling Corporate Services (formerly Saracen International), in north-east Somalia, and by the failure of certain Member States to take the necessary measures to prevent this sustained, large-scale violation of the Somalia arms embargo.

Meanwhile, the relative importance of Eritrea as a source of military and financial support for armed groups appears to have declined. Enhanced international scrutiny of Eritrea's actions in Somalia and the region, growing friction in Eritrea's relationship with Al-Shabaab and the absence of other viable armed opposition groups all appear to have contributed to this trend. The Monitoring Group has found no evidence to substantiate allegations that Eritrea supplied Al-Shabaab with arms and ammunition by air in October and November 2011. However, the Monitoring Group has established that Eritrea maintains relations with known arms dealers in Somalia and violated the arms embargo during the course of the mandate through its support for Ethiopian armed opposition groups passing through Somali territory.

From a humanitarian perspective, Somalia experienced its worst crisis since the 1992-1993 period, as drought and armed conflict conspired to create famine conditions in parts of the country. International efforts to assist distressed populations were hamstrung by a variety of obstacles: Al-Shabaab denied access to many United Nations agencies and Western aid organizations, and imposed draconian conditions on those it permitted to operate, while attempting to prevent civilians from migrating to areas where assistance would be available.

In Transitional Federal Government-controlled areas, where an estimated 250,000 internally displaced persons (IDPs) sought help, Government officials and local militias often acted as "gatekeepers", controlling physical access to IDP settlements in order to inflate beneficiary numbers, divert assistance and prevent effective monitoring.

International efforts to limit the scope for misappropriation of aid resources have been making progress: the Office of the United Nations Resident and Humanitarian Coordinator is putting in place a risk management system to help identify corrupt or underperforming contractors and implementing partners. Many agencies have also put in place third-party monitoring systems to verify aid delivery, but in some cases the Monitoring Group has learned that they — and their donors — have turned a blind eye to reports of diversion.

The crisis in Somalia continues to be characterized by attacks on civilians, widespread rape and sexual assault, the recruitment and use of child soldiers, and forcible displacement or confinement of vulnerable populations. But independent verification of such reports is severely hampered by lack of access, witnesses' fear of reprisals and a pervasive culture of denial — and occasional hostility — among Somali leaders and Government officials. International mechanisms for information sharing and coordination of reporting are underdeveloped and severely circumscribed by concerns about source protection.

As Somalia enters a new critical phase on the path to peace, security and stability, sanctions offer an important instrument of international and regional influence. On 1 May 2012, the United Nations, the African Union and the Intergovernmental Authority on Development issued a joint statement, invoking Security Council resolution 1844 (2008), and warning that "those who stand against peace and progress in Somalia" could face "the immediate imposition of specific measures and restrictions". For such threats to be credible, the Monitoring Group believes that individuals and entities that it has identified as violating relevant Security Council resolutions should be designated with the least possible delay. To that end, it proposes several new additions to the consolidated list of the Security Council Committee on Somalia and Eritrea.

I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 6 of Security Council resolution 2002 (2011), which was adopted on 29 July 2011. Additional tasks were assigned to the Monitoring Group under resolutions 2023 (2011) and 2036 (2012).

2. Pursuant to paragraph 6 (l) of resolution 2002 (2011), the Monitoring Group kept the Security Council and its Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea informed, throughout the period of its mandate, of its activities by submitting monthly progress reports through the United Nations Secretariat and by providing a midterm briefing to the Committee on 3 February 2012.

3. In the course of their investigations, members of the Monitoring Group travelled to Belgium, Canada, Djibouti, Ethiopia, Finland, France, Germany, Greece, India, Indonesia, Italy, the Kingdom of Saudi Arabia, Malaysia, the Netherlands, Nigeria, the Seychelles, Singapore, Somalia, South Africa, Sweden, Switzerland, Turkey, the United Republic of Tanzania, Uganda, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America. In Somalia, members of the Monitoring Group were able to visit Mogadishu, Baidoa, Puntland and Somaliland, but much of the south of the country remained inaccessible.

4. The Monitoring Group was based in Nairobi and comprised the following experts: Matt Bryden (Coordinator), Emmanuel Deisser (arms), Aurélien Llorca (aviation), Jörg Roofthooft (maritime), Ghassan Schbley (finance), Babatunde Taiwo (armed groups) and Kristele Younes (humanitarian).

B. Methodology

5. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review. The Monitoring Group reaffirmed its methodology pursuant to its previous reports (most recently, S/2011/433 of 18 July 2011). The methodology used for the current report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgement of the relevant expert of the Monitoring Group and the collective assessment of the Group with respect to the credibility of information and the reliability of sources;

(e) Obtaining physical, photographic, video and/or documentary evidence in support of the information collected.

6. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations by way of individuals who have direct knowledge or who know people who have direct knowledge about details of violations.

7. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials and representatives from diplomatic missions, civil society organizations and aid agencies. Members of the Monitoring Group met with a variety of Transitional Federal Government officials, officials from the Somaliland, Puntland and Gaalmudug administrations, other political and armed groups and numerous members of Somali civil society. However, in a letter dated 14 August 2011, the Transitional Federal Government President designated the Monitoring Group's Coordinator "persona non grata" in Somalia. Several senior Transitional Federal Government officials with direct knowledge of the decision informed the Monitoring Group that the letter was prepared upon the advice of Khadija Ossoble, an adviser to the Transitional Federal Government President who has been named in previous Monitoring Group reports and Abdikareem Jaama, former Presidential Chief of Staff.[1] The Monitoring Group recommends that the Committee consider censuring President Sharif, Ms. Ossoble and Mr. Jaama for attempting to obstruct the work of the Monitoring Group.

8. In conformity with the guidance provided to us by the Committee on several occasions, the Monitoring Group endeavoured to include as much of the testimony and evidence as possible in its final report. However, General Assembly resolutions on the control and limitation of documentation, in particular resolutions 52/214 of 22 December 1997, 53/208 of 18 December 1998 and 59/265 of 23 December 2004, necessitated the extensive use of annexes, preventing much of the substance from being translated.

9. In accordance with Secretary-General's bulletin entitled "Information sensitivity, classification and handling" (ST/SGB/2007/6) of 12 February 2007, the Monitoring Group has submitted to the Security Council Committee on Somalia and Eritrea, together with the present report, several confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or the welfare and safety of its staff or third parties or violate the Organization's legal obligations. These annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stability of Somalia[2]

10. Since the report of the Monitoring Group of July 2011 (S/2011/433), Al-Shabaab's fortunes have declined dramatically, ceding much of southern Somalia to the forces of AMISOM, Kenya and Ethiopia, and their local Somali allies. The loss of so much territory has also deprived Al-Shabaab of some lucrative border taxation points, and a Security Council ban on the importation of Somali charcoal

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[1] See S/2003/1035, paras. 163-164; and S/2010/91, paras. 242-249.

[2] In paragraph 8 (a) of Security Council resolution 1844 (2008), the Council prohibits acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti *Agreement of 18 August 2008 or the political process or threaten the transitional federal* institutions or AMISOM by force.

threatens to further erode the group's income. An anticipated joint offensive towards Kismaayo would also deprive Al-Shabaab of its single most important source of revenue and its principal training bases. Confronted by such pressures, serious rifts have emerged within the group's leadership, threatening to produce a formal rupture, and Al-Shabaab fighters have begun to migrate northwards towards Puntland, Somaliland and Yemen. A steady trickle of foreign fighters is reported to be leaving Somalia.

11. These successes may prove short-lived unless Somalia's transitional federal institutions are replaced by a more effective, legitimate and broadly based national authority when their mandate expires in August 2012. Unfortunately, transitional federal institution leaders have been reluctant to fulfil their transitional responsibilities under the national charter and some have proven actively obstructive, calling for further extension of their own terms of office. While such "spoiler" behaviour is partly an expression of legitimate political competition, it is also symptomatic of pervasive corruption and the wholesale misappropriation of public financial resources.

12. In this context, the Monitoring Group has focused its efforts on those Somali political and commercial "elites" that have systematically undermined, distorted and corrupted decision-making processes within the transitional federal institutions for their own purposes, and which therefore represent the greatest threats to a successful and timely transition.

A. Public sector financial mismanagement and corruption

13. During the more than two decades of conflict and statelessness since the collapse of the Somali Government in 1991, successive generations of Somali leaders have engaged in corrosive political and economic practices that have aggravated the conflict and helped thwart the restoration of peace and security in the country. In its report of July 2011 (S/2011/433), the Monitoring Group noted that the Transitional Federal Government leadership's political disarray, its endemic corruption and its resistance to power sharing represented the principal impediments to security and stabilization in southern Somalia.

14. The Security Council, in its resolution 2002 (2011), specifically mandated the Monitoring Group to investigate the misappropriation of financial resources and other acts that undermine the transitional federal institutions' ability to fulfil their obligations in delivering services within the framework of the Djibouti Agreement.

15. Under the transitional federal institutions, the systematic misappropriation, embezzlement and outright theft of public resources have essentially become a system of governance. Somalia's prospects for stabilization and effective governance have fallen prey to political and commercial "elites" who appropriate, privatize and criminalize the core functions of the Somali State, enriching themselves while perpetuating a political economy of State collapse. The Monitoring Group has identified some of the most prominent among these "spoilers".

Misappropriation of financial resources: "Maxaa igu jiraa?"

16. Almost eight years since being established, the Transitional Federal Government's public sector financial management practices remain chaotic and opaque. While this is in part due to lack of capacity, it is also the product of deliberate, systematic and often sophisticated behaviour, intended to prevent transparency or accountability. The Transitional Federal Government President, the Speaker of Parliament, successive prime ministers, and public officials, ranging from the Cabinet level to the rank of District Commissioner, bear responsibility, in varying degrees, for this state of affairs. As one senior official involved in Transitional Federal Government finances told the Monitoring Group: "Nothing gets done in this government without someone asking the question 'Maxaa igu jiraa?' ('What's in it for me?')".

17. A report commissioned by the World Bank, published in May 2012, found that almost 68 per cent of Transitional Federal Government revenues in the 2009-2010 period were unaccounted for. The Monitoring Group's own investigations confirmed the involvement of senior Transitional Federal Government officials in the misappropriation of millions of dollars of domestic revenues and foreign aid, including contributions from Oman and South Sudan. Despite the efforts of some dedicated Transitional Federal Government officials to introduce greater transparency and accountability into the Transitional Federal Government's financial arrangements, it is clear from the Monitoring Group's investigations that the political will to enact such reforms is lacking in the highest echelons of government. A detailed treatment of corruption and the misappropriation of financial resources is contained in annex 1.1. to the present report.

Passports

18. The Somali passport has long lost most of its value as a travel document. As early as 2004, the Monitoring Group identified forged passports as a source of revenue for violators of the arms embargo.[3] After the collapse of the Barre regime, Somali passports could be bought on the open market, and the integrity of the document collapsed. Few countries would accept the Somali passport, severely constraining economic activities and contributing to a sustained exodus to foreign countries, since a foreign passport represented not only a degree of security, but also an economic asset.

19. The restoration of a widely acceptable travel document for Somalis is thus a priority of any national government, as much as a symbol of national revival as for its practical advantages. But corrupt Transitional Federal Government officials and their business associates have neatly transformed a noble objective into a corrupt money-making scheme characterized by corruption, fraud and potential threats to regional and international security.

20. Senior Transitional Federal Government officials responsible for the introduction of a new passport conspired to award the contract without competition to an influential Somali businessman, as a means to generate profits and kickbacks. Any pretext of central control of the issuance process was deliberately eliminated in order to maximize the volume of passport sales and resulting profits. Officials in Somali embassies and passport "offices" worldwide imposed extra charges and

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[3] See S/2004/604, p. 26.

retained the proceeds for themselves. Between 2007 and 2010 not a single dollar earned from passport sales reached the State Treasury; between July 2010 and December 2011, nearly $1.5 million in revenue went unaccounted for, representing 60 per cent of the income from the project, and 6 per cent of total Transitional Federal Government domestic revenue for that year.

21. Fraud and corruption became rampant in the passport business, with multiple passports being issued to the same individuals under false identities and foreigners obtaining Somali passports, thanks to the intervention of senior Transitional Federal Government officials. Members of Al-Shabaab, including at least one senior leader, have allegedly received new passports, and the Monitoring Group has confirmed that one of Somalia's most notorious pirate leaders received a diplomatic passport in his own name with the full knowledge of senior Transitional Federal Government officials. A detailed account of the passport production project is contained in annex 1.2.

Currency printing

22. Currency printing has long been employed by Somali authorities as a means to generate quick revenues. But in the absence of effective monetary policy and regulatory controls, the practice is little better than counterfeiting, often with dramatic impact on the exchange rate and public savings. As early as 2003, the Monitoring Group described the practice as "the currency scam" and called upon Member States to curb the printing of Somali banknotes.[4]

23. Since 1992, the Monitoring Group has documented at least six episodes of currency printing, although many more are alleged to have taken place. The "government" of Ali Mahdi Mohamed introduced paper currency in new denominations in June 1992, as did self-proclaimed "presidents", Hussein Aydid and Abdinur Darman in 1997. Rival Puntland leaders, Abdillahi Yusuf and Jaama Ali Jaama, both sought to purchase new banknotes between 1999 and 2002. In 2002, the Indonesian Police told the Monitoring Group that Khadija Ossoble Ali sought to procure banknotes on behalf of Somalia's then Transitional National Government — a charge she denied.

24. In January 2010, the then Minister of Finance Sharif Hassan (current Transitional Federal Government Speaker) negotiated a deal with the Sudanese Government and the Sudan Currency Printing Press to print new Somali banknotes worth the equivalent of between $130 million and $150 million.

25. In view of the pervasive corruption within the transitional federal institutions, the limitations of the Transitional Federal Government Central Bank and the absence of a comprehensive legislative and regulatory framework or monetary policy, it is the assessment of the Monitoring Group that the planned introduction of this paper currency with less than six months remaining in the transitional process was intended to generate a political slush fund, enable large scale corruption and finance the ambitions of certain Transitional Federal Government leaders to interfere with the political process as defined by the Djibouti Agreement of 2010 and the road map.

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[4] See S/2003/223, p. 40, and S/2003/1035, p. 36.

26. Despite concerns expressed by donors and the World Bank, and the resignation of the Governor of the Somali Central Bank over the scheme, senior Transitional Federal Government officials remained committed to the project. In March 2012, President Sharif visited Khartoum to assess progress. However, in June 2012, Prime Minister Abdiweli Gaas told the Monitoring Group that the introduction of the new currency had been suspended indefinitely (see also annex 1.3.).

B. Harakaat al-Shabaab al-Mujaahidiin

27. Although still a grave threat to peace, security and stability in Somalia, Al-Shabaab has suffered a series of reversals over the past year and has been significantly weakened by internal divisions. In August 2011, the group withdrew its forces from most of Mogadishu, and in October 2011, Kenyan forces, accompanied by a loose coalition of anti-Shabaab Somali militias, entered south-western Somalia, securing long stretches of the common border. Ethiopian troops followed suit in November 2011, occupying parts of northern Gedo, and launching cross-border offensives in Bay, Bakool, Hiiraan and Gaalgaduud regions in March 2012. Under sustained military and economic pressure, Al-Shabaab has since ceded even more territory, and its leadership seems increasingly divided.

Al-Shabaab finances

28. In February 2012, the Security Council passed resolution 2036 (2012), which expanded the mandate of AMISOM, enlarged the size of the force and banned the import of Somali charcoal, Al-Shabaab's single most important source of revenue. The main importers of Somali charcoal — notably the United Arab Emirates and Saudi Arabia — have been slow to implement the ban, and as of June 2012 large volumes of charcoal continued to leave the Al-Shabaab controlled ports of Baraawe and Marka for markets in Gulf Cooperation Council countries. But military offensives by AMISOM, Ethiopia and Kenya have deprived Al-Shabaab of control of lucrative taxation centres, including markets and border posts, eroding its revenue base (see annex 2.1.).

Tactics, techniques and procedures

29. Militarily, Al-Shabaab has generally declined to offer battle to foreign forces, avoiding sustained contacts and relying heavily on asymmetrical warfare techniques. Although the group continues to conduct raids and ambushes with some success in border areas, in Mogadishu its operations have been essentially confined to targeted killings, indirect fire and improvised explosive devices, including suicide bombings. Al-Shabaab's use of improvised explosive devices has been growing increasingly sophisticated, and there is growing evidence to suggest that Al-Shabaab obtains expertise and/or improvised explosive devices components from outside Somalia (see annex 2.2.).

Al-Shabaab north-east Somalia

30. Al-Shabaab's expansion northwards, as documented in the July 2011 report of the Monitoring Group (S/2011/433), entered a new phase in February 2012, with the announcement in February 2012 that the "Mujahidiin of the Golis Mountains", formerly headed by Mohamed Sa'iid "Atom", had formally joined Al-Shabaab.

Yasiin Khalid Osman "Kilwe", a close associate of Al-Shabaab "Amir" Ahmed Abdi Godane, declared himself the new leader of the group. Meanwhile, the Monitoring Group observed a steady influx of Al-Shabaab fighters from southern Somalia and the expansion of Al-Shabaab operations in Puntland, notably to the south of the port town of Bosaaso (see annex 2.3.).

C. Al-Shabaab as a regional and international threat

31. Paradoxically, at precisely the moment that Al-Shabaab's fortunes in Somalia have entered a phase of steep, and possibly irreversible, decline, the group's credibility and appeal appear to be growing among non-Somali extremists.

Al-Qaida

32. On 9 February 2012, Al-Shabaab and Al-Qaida issued a joint announcement of their formal merger. Al-Shabaab has long aspired to a partnership with Al-Qaida, and several of the most influential non-Somali figures associated with Al-Shabaab were alumni of Al-Qaida operations in East Africa: Fazul Abdullah Mohamed, Saleh Ali Saleh Nabhan and Abu Talha Al-Sudani. In September 2009, Al-Shabaab pledged its loyalty to Osama bin Laden, but received only praise and encouragement in return.

33. Al-Shabaab's declared relationship to Al-Qaida is unlikely to result in tangible benefits at a time when both groups are experiencing difficulties. But Al-Qaida's endorsement of the Somali extremists may further enhance Al-Shabaab's appeal abroad, and facilitate the forging of relationships with other Salafi-jihadi militants such as Al-Qaida in the Arabian Peninsula (AQAP) and Boko Haram in Nigeria, both of which have engaged with Al-Shabaab in the recent past.

Muslim Youth Centre/Al Hijra

34. In its July 2011 report, the Monitoring Group described in detail the existence of an Al-Shabaab support network in Kenya known as the Muslim Youth Centre. On 10 January 2012, Al-Shabaab announced a merger with the Kenya-based Muslim Youth Centre and designated Centre "Amir" Ahmed Iman Ali as Al-Shabaab's representative for Kenyan affairs. The Centre, which renamed itself Al-Hijra in early 2012, has continued to operate from Kenya with relative freedom, sending funds and recruits to Somalia in support of Al-Shabaab, while developing plans to conduct terrorist attacks inside Kenya and deploying several operational cells for this purpose.

35. Muslim Youth Centre relies heavily on the ideological guidance of prominent Kenyan Islamist extremists, including Sheikh Aboud Rogo, a radical cleric based in Mombasa, Kenya, a known associate of members of Al-Qaida East Africa and an advocate of the violent overthrow of the Government of Kenya. In consultation with Rogo, Muslim Youth Centre has not only changed its name, but reorganized its membership and finances in order to permit its organization, Pumwani Riyadha Mosque Committee in Nairobi, to continue funding Al-Shabaab. Details can be found in strictly confidential annex 3.1.

Ansar Muslim Youth Centre

36. The Ansar Muslim Youth Centre, in the United Republic of Tanzania, raises funds and recruits on behalf of Al-Shabaab. Headed by Sheikh Salim Abdulrahim Barahiyan, Ansar Muslim Youth Centre is based in Tanga and draws upon an extensive network of mosques across Tanzania.

37. Like Muslim Youth Centre in Kenya, the Ansar Muslim Youth Centre leadership is closely associated with the Kenyan extremist Aboud Rogo, and many of its senior members were previously associated with the Al-Qaida-linked office of Al-Haramayn Foundation in the United Republic of Tanzania. However, Ansar Muslim Youth Centre collaborates closely with Tanga-based criminal networks, including a notorious drug smuggling ring, for the movement of Al-Shabaab recruits and trainers to and from Somalia (see annex 3.2.).

D. Piracy and kidnap for ransom

38. Somali maritime piracy — a form of money-driven, clan-based, transnational organized crime — remained a threat to global shipping in 2011 and 2012, and represented a humanitarian tragedy for hijacked seafarers and kidnapped hostages, their families and employers (see also annex 4.1.). Approximately 245 people remain in the hands of Somali pirates today, both on land and sea.[5]

39. Somali pirates have never been more active than in 2011, registering a total of 237 incidents, compared to 219 in 2010. Most of that activity took place along Somalia's eastern and southern coasts, the Arabian Sea, and the southern Red Sea, while pirate activity in the Gulf of Aden further declined.[6]

40. However, the number of successful attacks dropped considerably, from 49 in 2010 to just 28 in 2011 — a reduction of 43 per cent. Half of those hijackings occurred in the first two months of the year, followed by a steep drop-off, with only 6 successful attacks occurring between May and December 2011, compared to 28 during the same period in 2010.[7] This downward trend continued in the first quarter of 2012, as the number of reported piracy incidents and successful attacks both declined.

41. The decreasing success rate can probably be attributed to improvements in the implementation of best management practices[8] by the shipping industry, more effective international counter-piracy naval operations, and the increasing use of private maritime security companies.

42. Pirate militias have begun to adapt to this more hostile operating environment in a variety of ways. In central Somalia, pirate groups have become involved in kidnapping for ransom on land, holding aid workers, journalists and tourists

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[5] See UKMTO weekly report 19-25 May 2012.

[6] Data registered by the International Maritime Bureau. Incidents include vessels being hijacked, fired upon and boarded but not hijacked, and attempted attacks.

[7] This represented a total of 470 seafarers taken hostage in 2011, of whom 3 were injured and 8 were killed, a decline from the 1,016 seafarers taken hostage in 2010, of whom reportedly 13 were injured and 8 killed.

[8] Suggested Planning and Operational Practices for Ship Operators and Masters of Ships Transiting the High Risk Area (BMP version 4 — August 2011: Best Management Practises for Protection against Somalia Based Piracy).

hostage. Pirate negotiators have begun marketing their services as "consultants" and "experts" on piracy and "consultants", while exploring new types of criminal activity. A growing proportion of Somalis involved in piracy are members of the diaspora who hold dual nationality, and the Monitoring Group has identified several such individuals involved with pirate militia based near Harardheere. Some may also have ties to Al-Shabaab militants, Somali officials and private security companies involved in the counter-piracy business.

43. Pirate groups remain active in Puntland, where they appear to face no serious threat from the Puntland administration, despite the recent establishment of the Puntland Maritime Police Force with financial assistance from the United Arab Emirates.

Kidnap for ransom

44. The declining success of Somali pirate operations at sea may have contributed to more frequent incidents of kidnap for ransom on land, a trend that accelerated in September 2011, as foreign tourists, aid workers and a journalist were abducted in Kenya and Somalia before being transferred to the custody of Somali pirates (see annex 4.2.).

45. One of the pirate groups to have become involved in both kidnapping for ransom and "consulting" is the Indian Ocean Network: a subgroup of the Harardheere-Hobyo Piracy Network. Details can be found in annex 4.2. and strictly confidential annex 4.3.

Movement of piracy proceeds offshore

46. Investigating the movements and the investments of piracy proceeds, the Monitoring Group has identified several financial transfers between Somali pirates and individuals in the Somali diaspora, linked to a number of hijacking cases such as the MV *Al Khaliq* (2009), MV *Orna* (2010), MV *Irene SL* (2011), *Zirku* (2011), MV *Rosalio D'Amato* (2011) and MV *Enrico Ievoli* (2011). Details can be found in strictly confidential annex 4.4.

Judicial challenges: collusion, protection and immunity

47. The international community has dedicated enormous resources — political, military, intelligence and financial — to combating Somali piracy in recent years. Three large international task forces and a dozen independent, national missions are currently engaged in maritime counter piracy off the coast of Somalia.[9] However, such efforts are handicapped by the various judicial and legal obstacles that impede the investigation, the prosecution and the sanctioning of pirate leaders and kingpins.

48. The 125 registered hijacking cases attributed to Somali pirates since 16 December 2008 have affected at least 83 different countries, all of which would in theory be entitled to prosecute individuals who have caused harm to their citizens or national interests. Moreover, although 20 countries currently detain suspected Somali pirates in custody with a view to prosecution, not more than 10 of these

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[9] NATO, European Union Naval Force, Combined Maritime Forces/Task Force 151 and independent naval task forces, such as of China, the Russian Federation, India, the Islamic Republic of Iran, Japan, Indonesia, Malaysia, Thailand, Singapore, Republic of Korea, Yemen and Saudi Arabia.

Governments have actually taken the initiative to undertake broader investigations into Somali pirate networks. As a result, the international community is investing enormous resources to pursue and punish those at the bottom of the piracy pyramid, most of whom are impoverished, functionally illiterate youth who are easily replaced, while virtually guaranteeing impunity for those at the top of the piracy pyramid, who bear the greatest responsibility and profit the most.

49. Similarly, attempts to impose targeted sanctions against senior Somali pirate figures have been thwarted in the Security Council. Since April 2010, the United Kingdom has placed a technical hold on proposed sanctions against pirate leaders to ensure that payments of ransoms remain legal.

50. Some pirates also benefit from the collusion and the protection of high-level Government officials. In early April 2012, Malaysian immigration authorities identified Mohamed Abdi Hassan "Afweyne",[10] one of the most notorious and influential leaders of the Hobyo-Harardheere Piracy Network (HHPN),[11] travelling on a Somali diplomatic passport to visit his wife and family living abroad.[12] In response to questions about his diplomatic status and the purpose of his trip, Afweyne presented the authorities with an apparently official document issued by the Director of the Transitional Federal Government Presidency (Chief of Cabinet), Mohamed Moalim Hassan, with knowledge of Transitional Federal Government President Sheikh Sharif Sheikh Ahmed. The document stated that Afweyne was involved in counter-piracy activities on behalf of the Transitional Federal Government for "Himan and Heeb" region.[13] Upon his return to Mogadishu a week later, Afweyne was reportedly summoned to the Presidency. The Monitoring Group has since obtained confirmation of Afweyne's status as a Transitional Federal Government "diplomat" and corresponding possession of a diplomatic passport issued by Transitional Federal Government-officials with the authorization of Somali President Sheikh Sharif Sheikh Ahmed,[14] implying that Afweyne, enjoys protection from the highest echelons within the Transitional Federal Government (see annex 1.2.). The Transitional Federal Government President informed the Monitoring Group that Afweyne's diplomatic status was one of several inducements intended to obtain the dismantling of his pirate network.

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[10] Reportedly on 10 April 2012.

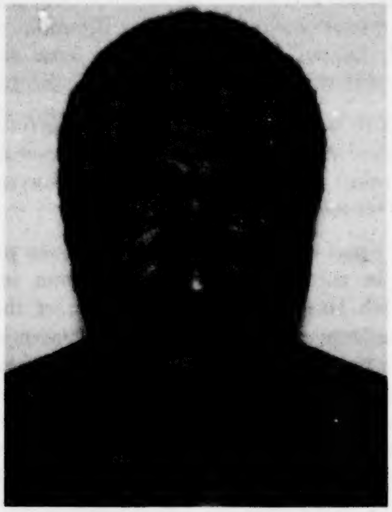
[11] Central Somalia, Mudug region.

[12] Passport number obtained by the Monitoring Group.

[13] The letter was e-mailed to Malaysia on Afweyne's request. Although the Monitoring Group has yet to obtain a copy of the document, this information has been independently confirmed to the Monitoring Group by reliable Government sources from three different countries.

[14] The Monitoring Group possesses all details of Afweyne's passport application; authorization confirmed by President Sheikh Sharif Sheikh Ahmed during a meeting with the Monitoring Group in Nairobi on 22 June 2012.

Figure I
Top pirate leader and "TFG diplomat" Mohamed Abdi Hassan "Afweyne"



III. Violations of the general and complete arms embargo[15]

51. The pattern of arms embargo violations in Somalia has changed little since previous mandates. Arms markets in Yemen remained the principal source of arms and ammunition for Somali non-State armed groups. Contributions by foreign Governments, mainly to the Transitional Federal Government but also to other authorities and militia forces, remained an important secondary source of supply.

52. The relative importance of Eritrea as a source of military and financial support for armed opposition groups appears to have declined. Enhanced international scrutiny of Eritrea's actions in Somalia and the region, growing friction in Eritrea's relationship with Al-Shabaab and the absence of other viable armed opposition groups have all contributed to this trend.

53. The Monitoring Group has found no evidence to substantiate allegations that Eritrea supplied Al-Shabaab with arms and ammunition by air in October and November 2011 (see annex 5.1.). However, the Group has established that Eritrea maintains relations with known arms dealers in Somalia and has violated the arms embargo during the course of the mandate by its support for Ethiopian armed opposition groups passing through Somali territory.

54. The activities of private security companies and their State or corporate sponsors is of growing concern. Two such companies are currently engaged in support to private Somali militias (a third company ceased operations in early 2011), whose primary purpose is to safeguard narrow commercial and political interests.

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[15] In paragraph 8 (b) of its resolution 1844 (2008), the Security Council prohibited acts that violate the general and complete arms embargo imposed by the Council in resolution 733 (1992).

The extension and possible expansion of this trend over the long term could have grave implications for the security and stability of Somalia.

A. Foreign military operations in Somalia

55. Operations in Somali territory by foreign military forces constituted an important category of embargo violation during the course of the past mandate. Ethiopia, Kenya and Djibouti all conducted large-scale military operations in Somalia without prior authorization from the Committee. Djiboutian forces have since been "rehatted" as AMISOM troops and Kenya formally merged its forces with AMISOM on 2 June 2012, bringing the status of their forces into compliance with the sanctions regime.

56. Ethiopia has deployed forces to Somalia in 2011 and 2012, and provides military assistance to allied militias. Ethiopia has announced that it does not intend to place its troops under AMISOM command, meaning that its operations in Somalia currently constitute a violation of the arms embargo.

57. Unidentified unmanned aerial vehicles routinely operate in Somali airspace. The Monitoring Group currently considers them to be of an exclusively military nature; their importation to and use in Somalia therefore represents a potential violation of the arms embargo.

58. A detailed account of foreign military operations in Somalia, including the operation of unmanned aerial vehicles, is contained in annex 5.2.

B. Private security companies

59. Numerous private security companies currently operate in Somalia, with several providing, or intending to provide, support to Somali security sector institutions. Since external assistance to Somali security sector institutions must follow the procedures stipulated in Security Council resolution 1772 (2007), the provision of such assistance, in the absence of authorization from the Committee, constitutes a violation of the general and complete arms embargo on Somalia imposed by Security Council resolution 733 (1992).

60. In this connection, the Monitoring Group is concerned that Member States routinely fail to fulfil their obligations under paragraph 5 of resolution 733 (1992) and paragraph 7 of Security Council resolution 1844 (2008), which require them to take the necessary measures to prevent "the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial or other assistance" to Somalia. The Monitoring Group has identified several countries currently serving as logistical hubs for private security companies' operations in Somalia in violation of resolutions 733 (1992) and 1844 (2008), namely, Ethiopia, South Africa, Uganda and the United Arab Emirates.

Sterling Corporate Services/Saracen International Lebanon

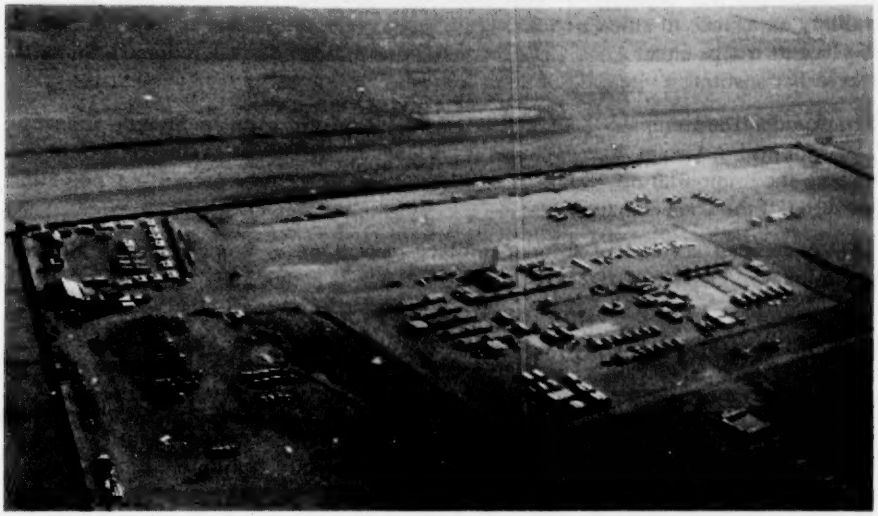
61. In late 2011, the assets, personnel and operations of Saracen International Lebanon were transferred to Sterling Corporate Services, reportedly a Dubai-registered company, which resumed large-scale military training, technical

assistance and support to the Puntland Maritime Police Force. Established in May 2010, with the involvement of Erik Dean Prince, the American founder of Blackwater U.S.A., this externally financed assistance programme has remained the most brazen violation of the arms embargo by a private security company.

62. In 2011, Saracen's training camp near Bosaaso became the best-equipped military facility in Somalia after AMISOM bases in Mogadishu. The Sterling Corporate Services base today includes a modern operational command centre, control tower, airstrip, helicopter deck and about 70 tents, which can host up to 1,500 trainees.

Figure II

Sterling Corporate Services camp at Qaw/Bandar Siyada, west of Bosaaso, in October 2011



63. Thanks to this massive initiative, the Puntland Maritime Police Force is now a well equipped elite force, over 1,000 strong, with air assets used to carry out ground attacks, which operates beyond the rule of law and reports directly to the President of Puntland. This private army disingenuously labelled a "counter-piracy" force, has been financed by zakat contributions mainly from high-ranking officials from the United Arab Emirates, including the Crown Prince of Abu Dhabi and Deputy Supreme Commander of the United Arab Emirates Armed Forces Sheikh Mohammed bin Zayed Al Nahyan. The Government of the United Arab Emirates, however, has officially denied any involvement in the project.[16]

64. Without the intervention of its State sponsor, there is no realistic prospect of this initiative receiving authorization from the Committee, meaning that it will continue to represent a flagrant breach of the sanctions regime on Somalia, characterized by a disturbing lack of transparency, accountability or regard for

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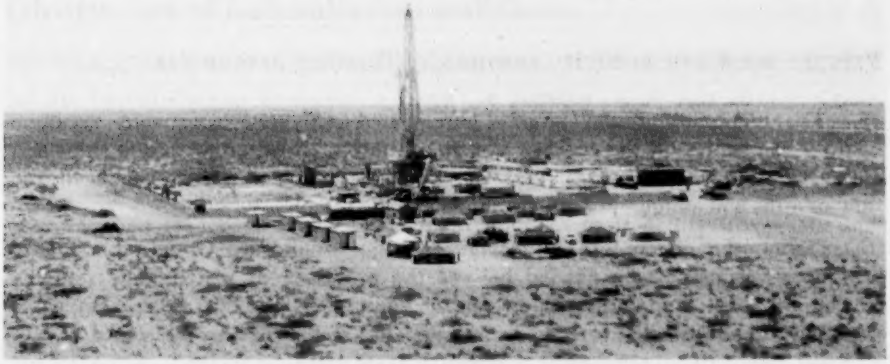
[16] Meeting with a representative of the United Arab Emirates Ministry of Foreign Affairs, Abu Dhabi, 25 March 2012.

international law. A detailed study of Sterling Corporate Services/Saracen International operations in Puntland is contained in annex 5.3.a.

Pathfinder Corporation

65. In August 2011, the South Africa-based Pathfinder Corporation was contracted by Africa Oil Corporation, through its local subsidiaries, to provide security advice and risk analysis. Pathfinder personnel on the ground liaise with local authorities in charge of security and oversee the Exploration Security Unit, a special branch of the Puntland Security Forces established to protect oil exploration and exploitation.[17]

Figure III
Exploration Security Unit camp and Horn Petroleum Corporation drilling site, south of Bosaaso, 15 February 2012



66. Pathfinder's transparency and its efforts to comply with the sanctions regime arguably represent "best practices" for private security companies in Somalia. However, its "temporary issue" of military equipment and the direct funding of the Exploration Security Unit by Africa Oil (through its subsidiary Canmex Holdings) constitute violations of Security Council resolution 733 (1992).

67. A detailed study of Pathfinder operations in Puntland is contained in strictly confidential annex 5.3.b.

Bancroft Global Development

68. The Washington D.C.-based charity Bancroft Global Development, operating in Somalia under the auspices of AMISOM, is currently the only private company

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[17] On 15 February 2012, the Monitoring Group conducted, at the company's invitation, a field assessment of Pathfinder operations in Puntland.

providing assistance to Somali security sector institutions in conformity with resolution 1772 (2007).

69. On 28 March 2012, the Monitoring Group conducted, at Bancroft's invitation, a field assessment of Bancroft operations in Mogadishu, visiting four different locations where Bancroft personnel are currently deployed. A case study relating to this inspection is included in strictly confidential annex 5.3.c.

Other security providers

70. A growing number of foreign private security personnel and companies in Somalia provide security details for individuals, foreign companies, diplomatic missions, international non-governmental organizations and international organizations. They supervise local militias and provide armed escorts and static guards, often importing armoured vehicles, personal protective equipment and operating in an arguably paramilitary fashion.

71. Many external actors also contract private militias to provide local protection: a common practice among diplomats, international NGO workers, journalists, foreign contractors and businessmen visiting Mogadishu. Since November 2011, the United Nations has also engaged a private local militia in Mogadishu to protect the movements of its staff (see annex 5.5.).

C. Private maritime security companies/floating armouries

72. The unmonitored and largely unregulated activities of private maritime security companies off the coast of Somalia, offering armed protection to ships and crews traversing the high-risk area,[18] may represent a potential new channel for the flow of arms and ammunition into Somalia and the region.

73. During the course of the mandate of the Monitoring Group, this highly profitable business has expanded beyond the provision of armed escorts to the leasing of arms, ammunition and security equipment, and the establishment of "floating armouries" that operate in international waters beyond the remit of any effective international regulatory authority. Private maritime security companies are currently holding approximately 7,000 weapons in circulation, which are either owned or leased.[19]

74. The absence of control and inspection of armed activities inevitably creates opportunities for illegality and abuse, and increases the risk that the maritime security industry will be exploited by unscrupulous and criminal actors, eventually coming to represent a threat to regional peace and security, rather than part of the solution. A detailed analysis of private maritime security companies and floating armouries can be found in annex 5.4.

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[18] The area bounded by Suez and the Strait of Hormuz to the north, 10° S and 78° E, which comprises the Red Sea, the Gulf of Aden, the Arabian Sea, the Gulf of Oman and parts of the wider Indian Ocean.

[19] Legal weapons, albeit some unregistered, 90 per cent of which are semi-automatic rifles.

D. Non-compliance

75. Non-compliance by Member States and international organizations has become a growing problem in Somalia over the past year.

76. The Monitoring Group has documented 144 flights to Somalia operated on behalf of 12 Member States, either of a military nature or in apparent connection with support to Somali security sector institutions, that have not been notified to the Committee on Somalia and Eritrea and therefore represent potential technical violations of the arms embargo.[20]

77. During the course of the mandate, Ethiopia, France, the Sudan, Turkey, the United Arab Emirates, the United Nations and the United States have all provided support to Somali security sector institutions without providing prior notice or obtaining advance authorization from the Committee. Such actions potentially violate the arms embargo imposed pursuant to Security Council resolution 733 (1992) and contravene the procedures stipulated by resolution 1772 (2007) regarding the provision of support to Somali security sector institutions.

78. Incidents of non-compliance are listed in annex 5.5.

IV. Obstruction of humanitarian assistance

79. Deteriorating food security conditions as a result of both drought and conflict led the United Nations to declare a famine in Somalia on 20 July 2011.[21] Crisis conditions continued into the first half of 2012.

80. Efforts to assist distressed populations encountered numerous obstacles: in Al-Shabaab-controlled areas, Western aid agencies were generally denied access or were required to accept unacceptable restrictions on their ability to operate and monitor activities. In areas under the control of the Transitional Federal Government, aid agencies struggled to adapt to a complex environment dominated by a system of "gatekeepers", new donors and a general lack of control on the part of the central authorities. The delivery of humanitarian assistance was further complicated by international military operations conducted by the Governments of Kenya and Ethiopia, and by AMISOM.

A. Denial of access

81. The deteriorating humanitarian conditions and the declaration of the famine prompted many international NGOs to attempt to establish themselves in Mogadishu in the first half of 2011, or to base international staff members in Somalia for the first time in years. These attempts met with limited success given the security constraints.

82. Despite the crisis situation, Al-Shabaab did not relax the restrictions imposed on aid agencies.[22] On 28 November 2011, the group banned 16 international NGOs

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[20] According to flight plans submitted to the Civil Aviation Caretaker Authority for Somalia between 26 July 2011 and 25 May 2012.

[21] See www.emro.who.int/press-releases/2011/un-declares-famine-in-somalia.html.

[22] Interviews with several humanitarian agencies officers, Nairobi, December 2011.

and United Nations agencies from operating in areas under its control and seized 22 compounds and assets belonging to these agencies.[23] The ban was followed by the imposition of new "taxes" on remaining agencies in December 2011, and the expulsion of the International Committee of the Red Cross on 30 January 2012.[24] International agencies, which continued to work in southern Somalia throughout 2011 and 2012 reported constant harassment by Al-Shabaab officials.

83. A detailed list of obstructive incidents can be found in annex 6.1.

B. Diversion and misappropriation of humanitarian assistance

Gatekeepers

84. In areas controlled by the Transitional Federal Government, aid agencies seeking to respond to crisis conditions encountered a variety of sophisticated strategies to attract, control and divert humanitarian assistance. The most pervasive and subtle of these involved the role of IDP camp managers and district officials as "gatekeepers" to control physical access, manage aid resources and prevent effective monitoring of the use of aid.[25]

85. Such tactics, combined with adverse security conditions, undermined the ability of aid organizations to verify whether aid was actually reaching the intended beneficiaries or if those beneficiaries even existed. Reports by third-party monitors engaged by some aid agencies to overcome such challenges present a mixed assessment, confirming that diversion was indeed a serious problem[26] but that in some cases aid agencies and donors chose to ignore or bury reports to this effect.[27]

86. The exploitation of civilians as pawns to attract aid resources was further compounded by the modus operandi of many aid agencies, which, with the support of donors, often worked through gatekeepers, employing them as staff or even as implementing partners. One Somali NGO, Saacid, went so far as to place all of Mogadishu's 16 district commissioners on its payroll (see also annex 6.2).

87. Similar problems were reported in zones controlled by foreign military forces and allied Somali militias. Whereas humanitarian organizations sought to operate independently in these areas, foreign military commanders typically perceived humanitarian assistance as a potential "hearts and minds" dimension of their campaign, and local Somali leaders sought to exercise control over aid resources.[28]

88. Diversion of humanitarian assistance occurred in Al-Shabaab-controlled areas as well, and agencies struggled to find ways to avoid paying direct taxes to Al-Shabaab. Although many agencies found ways to work independently with the support of local communities, others ended up paying the required taxes to maintain their presence on the ground. Incidents of looting of supplies by Al-Shabaab groups

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[23] See www.un.org/apps/news/story.asp?NewsID=40539.

[24] See www.icrc.org/eng/resources/documents/news-release/2012/somalia-news-2012-02-02.htm.

[25] Interviews with aid agencies and donors, Nairobi and Mogadishu, December 2011-April 2012.

[26] Interviews with third-party monitors, Mogadishu, 13 March 2012.

[27] Interviews with IDPs in several camps in Mogadishu, August-October 2011.

[28] Interviews with United Nations heads of agencies, Nairobi, April 2012.

took place regularly, and forced ICRC to suspend its distribution activities on 12 January 2012,[29] leading to its eventual ban by Al-Shabaab on 30 January 2012.

C. Best practices

89. Despite the challenges, aid agencies and donors have taken significant and encouraging measures to combat diversion and misappropriation of humanitarian assistance. The use of "third party" monitoring mechanisms has become widespread, especially among agencies involved in the delivery of food aid, although the effectiveness of such monitoring varies.

90. The Office of the United Nations Resident and Humanitarian Coordinator has established the Risk Management Unit of the United Nations country team, which manages a database of contracts entered into by United Nations agencies. Plans of the Unit include establishing minimum standards of due diligence that all agencies should adhere to before entering into a contract with any entity, and the identification of problematic or risky implementing partners and contractors. The Unit is also promoting standard clauses in United Nations agency contracts to the effect that partners risk termination if they are found by any member of the United Nations family to have engaged in improper behaviour. The Unit also offers United Nations agencies, upon request, a review of their contracting processes that complements the internal controls applied by individual agencies.[30]

91. Despite the efforts of the Risk Management Unit, the United Nations country team has not yet agreed on a system-wide approach to contractors or implementing partners that have been identified as problematic.[31] Finally, even though the largest agencies have provided information to the Unit regarding their contracts, only 8 out of 24 United Nations agencies working in Somalia are participating in the system.

92. Moreover, despite these improvements, resistance or denial within some agencies means that problems may be identified, but not addressed. Some international NGOs, for example, continued to engage local partners, even when credible allegations surfaced of their role in diverting food aid.[32]

V. Violations of international humanitarian law

93. The plight of war- and famine-affected populations in 2011 and 2012 was aggravated by pervasive violations of international humanitarian law and human rights principles. Efforts to document such acts in the Somali context are rendered especially difficult by lack of access, insecurity and, in some cases, a culture of denial on the part of Somali leaders. This denial is further aggravated by an overall tendency on the part of the international community — donors and United Nations agencies alike — to refrain from holding Somali authorities, their military and paramilitary forces and their supporters accountable for violations of applicable international humanitarian law.

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[29] See www.icrc.org/eng/resources/documents/news-release/2012/somalia-news-2011-01-12.htm.

[30] Interview with Manager of the Risk Management Unit, Nairobi, 7 February 2012.

[31] Interview with United Nations head of agency, Nairobi, 10 February 2012.

[32] See www.guardian.co.uk/world/feedarticle/9798947; and www.enoughproject.org/publications/somalia-famine-relief-view-mogadishu.

94. The Monitoring Group has been able to confirm that Security Council resolution 2002 (2011) is routinely violated by all parties to the conflict, including attacks on civilians, gender-based violence, the recruitment and use of child soldiers and the forcible displacement or confinement of civilians.

A. Attacks on civilians

95. Civilians have borne the brunt of the impact of the ongoing conflict in Somalia, with all major parties guilty of either indiscriminate attacks or disproportionate use of force. Al-Shabaab has been the worst offender: in areas under the group's control, civilians are routinely arrested, beaten or executed on charges of being "spies".[33] In areas controlled by the Transitional Federal Government and affiliated groups, arbitrary executions and indiscriminate retaliation are commonplace, and due process is routinely denied to those accused of working with Al-Shabaab.

96. Civilians have also suffered from international military operations, although the exact number of civilian casualties is unknown. Both the Kenyan and the Ethiopian military have shown little transparency with respect to operational procedures and battlefield damage assessments, making it difficult to ascertain whether they have adopted measures to avoid, mitigate and compensate harm to civilians.[34]

97. Throughout the country, journalists have also been targeted, making Somalia reportedly the most dangerous country in the world for representatives of the media. All parties have failed to take adequate measures to protect journalists, or to identify and prosecute their killers.

98. A detailed inventory of attacks on civilians is included in confidential annex 7.1.

B. Gender-based violence

99. Throughout Somalia, women were exposed to various forms of gender and sexual violence, including rape and sexual assault, forced marriage and public beatings. In Al-Shabaab-controlled areas, girls are routinely taken from their families to be forcefully "married" to Al-Shabaab fighters, or offered as a "reward" for men who have volunteered to be suicide bombers.[35] Women who dress in Somali traditional clothes, as opposed to the more conservative garments preferred by the Islamists, are routinely beaten. Similarly, women in Al-Shabaab-controlled areas have reported being beaten when leaving the house without a male relative.[35]

100. Women fleeing Somalia for refugee camps in Kenya and Ethiopia have told the Monitoring Group of incidents of rape by "bandits" on the road. Women in Transitional Federal Government-controlled areas are no better protected: incidents of sexual violence in IDP camps are high, with rape being described as "endemic"

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[33] Interviews with human rights activists, Nairobi and Mogadishu, December 2011-March 2012; see also Human Rights Watch Report, 20 February 2012, *No Place for Children*, available at http://www.hrw.org/reports/2012/02/20/no-place-children.

[34] Interview with civil-military experts, Nairobi, December 2011 and January 2012.

[35] Focus group discussions with Somali refugee women, Dolo Adow, 7 March 2012.

by human rights activists and aid workers alike.[36] Devoid of the protection of their weakened clans, IDP women are preferred prey for gatekeepers and their associates, including members of the Transitional Federal Government police and armed forces.[37] Efforts on the part of the international community to address the issue and force action on the part of the central authorities have been met with inaction and a refusal to acknowledge the problem.[38] Details can be found in annex 7.2.

C. Child soldiers

101. All parties to the conflict in southern Somalia systematically recruit and use children in their armed forces and militias. Children recruited by the Transitional Federal Government tend to be lured into the military by economic inducements or absorbed during integration of pro-government militias into Transitional Federal Government forces.

102. Al-Shabaab's forced recruitment methods are the most aggressive and intensified in 2011, with the escalation of military operations across much of the country. Children as young as 11 are routinely taken from their homes or schools, and parents may be killed if they protest.[38] Forced recruitment has forced many families to flee Al-Shabaab-controlled areas.[39]

103. See annex 7.3. for more details.

D. Forcible displacement or confinement

104. In 2011 and 2012, continuing conflict and drought led many Somalis to seek safety and assistance either within their own country, often moving to larger urban centres, or in other countries in the region, especially Kenya and Ethiopia. In July 2011, coinciding with the declaration of the famine, UNHCR registered the highest levels of displacement since March 2010.[40] In July 2011 alone, 30,664 refugees were registered at the Dadaab refugee camp in Kenya.[40] As at April 2012, the total number of IDPs in Somalia was 1.36 million and the number of refugees in the region was 973,151.[41]

105. Adding to displacement caused by natural causes and general insecurity, civilians throughout Somalia were subjected to forced displacement by different parties. In Al-Shabaab-controlled areas, famine-affected groups were forcibly confined, prevented from migrating to seek access to humanitarian assistance, or forcibly returned to their home town and villages before they could do so safely. In

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[36] Interviews with the United Nations, international non-governmental organizations and Somali NGOs heads of agencies, Nairobi and Mogadishu, December 2011-March 2012.

[37] Interviews with IDP women in Badbaado, Rajo and Taribunka camps, Mogadishu, August-October 2011.

[38] Interviews with the United Nations and NGOs heads of agencies, Nairobi and Mogadishu, December 2011-March 2012; interview with Somali Prime Minister, Mogadishu, 14 March 2012.

[39] Focus group discussions with Somali Refugee Women, Dolo Adow, 8 March 2012.

[40] See http://data.unhcr.org/horn-of-africa/somalia.php.

[41] Numbers were provided by the Office of the United Nations High Commissioner for Refugees (UNHCR) Somalia office, April 2012.

Transitional Federal Government-controlled areas, IDPs were evicted from public buildings without being provided with appropriate alternatives.

106. In Puntland, authorities implemented severe anti-IDP policies involving the forcible eviction of IDPs from Puntland to areas they previously fled.[42] Details about these cases can be found in confidential annex 7.4.

VI. Consolidated list

107. On 17 February 2012, the Committee approved a revised list of individuals and entities subject to the travel ban, assets freeze and targeted arms embargo imposed by the Security Council in paragraphs 1, 3 and 7 of its resolution 1844 (2008). This list now includes 11 individuals and 1 entity.

108. The revision of 17 February 2012 involved the addition to the list of Ali Ahmed Nur Jim'ale, a prominent member of Somalia's business community, currently resident in Djibouti. In addition to his Somali nationality, the Government of Djibouti has also awarded citizenship to Mr. Jim'ale.

109. Both the Transitional Federal Government and the Government of the Republic of Djibouti have petitioned the Committee to have Mr. Jim'ale removed from the consolidated list in accordance with the procedure for delisting stipulated in Security Council resolution 1844 (2008).

110. Pending a decision by the Committee with respect to delisting, both the Transitional Federal Government and the Government of Djibouti have indicated their opposition to the implementation of targeted measures (travel ban, assets freeze and targeted arms embargo) against Mr. Jim'ale. The Transitional Federal Government issued him a diplomatic passport bearing number D00002847 on 24 March 2011. The Central Bank of Djibouti has informed the Monitoring Group that it has identified no bank accounts held by Mr. Jim'ale.[43]

VII. State cooperation with the Monitoring Group

111. The Monitoring Group is concerned by the generally low level of cooperation received from Member States, including some members of the Security Council Committee on Somalia and Eritrea. Of 78 letters sent by the Monitoring Group requesting information from Member States, only 44 received replies and only 24 of those responded in full (see annex 8).

112. In this connection, the Monitoring Group especially wishes to emphasize the importance of Member States providing comprehensive replies and documentation, where it exists, with respect to the tracing of arms and ammunition recovered in Somalia.

113. The President of the Transitional Federal Government of Somalia declared the Monitoring Group's Coordinator persona non grata. However, the Prime Minister

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[42] UNHCR Population Monitoring Network, Protection Cluster Update Weekly Reports, August 2011-April 2012.

[43] Letter from the Permanent Mission of Djibouti to the United Nations, 30 May 2012.

and other senior officials were generally very cooperative and Monitoring Group experts were able to travel to Mogadishu on several occasions.

114. With the exception of the Puntland administration, other Somali authorities and groups also extended their cooperation to the Monitoring Group. The Puntland authorities withheld their cooperation and failed to respond to requests for information. The Monitoring Group considers the conduct of the Puntland administration to represent a potential obstruction to the work and investigations of the Monitoring Group.

VIII. Recommendations

A. Threats to peace and security

115. The Monitoring Group recommends that:

(a) In order to curb rampant corruption within the transitional federal institutions, the Security Council should require, in a future resolution, that the planned joint financial management board be established as quickly as possible as a non-negotiable condition for future assistance to the Transitional Federal Government from international partners;

(b) The Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea write to the Governments of the Kingdom of Saudi Arabia and the United Arab Emirates to remind them of their obligations under resolution 2036 (2012) to take measures to prevent the importation of charcoal from Somalia;

(c) The Committee should proceed without delay to designate known Al-Shabaab affiliate groups in East Africa, notably the Muslim Youth Centre/ Al Hijra and Ansaar Muslim Youth Centre, for targeted measures.

B. Piracy

116. The Monitoring Group recommends that:

(a) The Committee should proceed without further delay to designate known pirates and their associates identified by the Monitoring Group or Member States for targeted measures;

(b) The Security Council should consider the possibility of establishing a specialized investigative group of experts with a mandate to collect information, gather evidence and record testimonies relating to acts of Somali piracy, including and especially the identification of pirate leaders, financiers, negotiators, facilitators, support networks and beneficiaries;

(c) The Security Council should consider making explicit reference, in its next resolutions on Somalia and piracy, to the Monitoring Group's responsibility of investigating and identifying key individuals responsible for acts of piracy off the coast of Somalia, as well as the movement and investment of piracy proceeds, and call upon Governments, international organizations and national law enforcement agencies to exchange evidence and information with a view to the arrest and the prosecution of senior pirate leaders and their associates, or to their designation for targeted measures;

(d) The Security Council should consider options for the establishment of an international regulatory authority that regulates, monitors and inspects the activities of private maritime security companies operating floating armouries and providing armed protection to vessels in international waters.

C. Arms embargo violations

117. The Monitoring Group recommends that:

(a) The Committee should proceed without delay to designate Sterling Corporate Services, Australian African Global Investments and their affiliates, subsidiaries, owners and senior management for targeted measures;

(b) The Committee should urge the Governments of South Africa, the United Arab Emirates, Uganda and Ethiopia to take all necessary steps to prevent the use of their ports and airports for activities in connection with technical assistance and training, financial and other assistance to military activities in Somalia in violation of Security Council resolutions 733 (1992), 1425 (2002) and 1844 (2008);

(c) The Security Council should consider requiring States providing technical training and assistance, including the deployment of armed personnel and military equipment, intended solely for the support of or use by the mission referred to in paragraph 9 of Security Council resolution 1772 (2007), to notify the Committee established pursuant to resolution 751 (1992) and 1907 (2009), in advance and on a case-by-case basis for informational purposes only;

(d) The Security Council should consider that measures imposed by paragraph 5 of resolution 733 (1992) shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by foreign companies contracted in support of the mission referred to in paragraph 9 of Security Council resolution 1772 (2007) or of United Nations operations and staff in Somalia;

(e) The Security Council should consider expanding the mandate of AMISOM to include enforcement of the arms embargo, and request the United Nations, in coordination with the Monitoring Group, to work with the African Union to develop a specialized unit of an appropriate size to enforce the arms embargo in ports, airports and border posts, located within AMISOM sectors in Somalia, as established in Côte d'Ivoire within the United Nations Operation in Côte d'Ivoire under paragraph 7 (c) of Security Council resolution 2000 (2011).

D. Obstruction of humanitarian assistance

118. The Monitoring Group recommends that:

(a) The Committee should request the United Nations Resident and Humanitarian Coordinator for Somalia to make disclosure of contracts to the Risk Management Unit mandatory for all United Nations agencies, with the following requirements:

(i) That information shared should include subcontracts and details of implementers;

(ii) That programme budgets should be shared to ensure Somali civil servants are not on the payroll of the United Nations and its implementing partners;

(iii) That the United Nations country team ensure that the Risk Management Unit has all the resources it needs to function effectively.

E. Violations of international humanitarian law

119. The Monitoring Group recommends that:

(a) The Transitional Federal Government should ensure greater protections for civilians, particularly women and girls, by establishing control over the sale of military and police uniforms, providing adequate security to IDP camps, ensuring that victims of abuses can safely report all incidents and that thorough investigations are systematically undertaken;

(b) The Transitional Federal Government should immediately sign, ratify and enforce the Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, as well as its Optional Protocol on the involvement of children in armed conflict, adopted and opened for signature, ratification and accession by General Assembly resolution 54/263 of 25 May 2000. Autonomous authorities in Somalia should also align themselves with international standards and refrain from the recruitment of anyone under the age of 18 into their security forces;

(c) The Committee should request the United Nations Resident and Humanitarian Coordinator to engage with all regional and central authorities in Somalia to ensure the adoption of and respect for, at all levels, the United Nations guidelines on internally displaced persons.

Annex 1

Misappropriation of financial resources

Annex 1.1.: Public sector financial mismanagement and corruption

1. On 30 May 2012, the World Bank published an assessment of TFG finances that found US$131 million in government revenues unaccounted for in 2009-10, equivalent to 68 per cent of total income for that period. The Monitoring Group's own investigations suggest that an additional US$40 million of potential revenue may have gone either uncollected or unaccounted for in 2011. In response to the report, TFG President Sharif Ahmed was quoted as saying that the missing funds referred to never reached Somalia and were "perhaps in the pockets of other people." He added that he would welcome assistance in finding the funds because "the transitional government is now struggling to pay workers their wages,"[1] although the World Bank's report had clearly indicated that the missing funds - US$72 million in 2009 and US$39 million in 2010 – were sufficient to pay all civil servants, parliamentarians and security forces in those two years. President Sharif concluded his comments by calling for more aid.

2. The episode illustrates a fundamental problem with the Transitional Federal Institutions: that their leaders have successfully marketed the government's weakness, fragility and possible collapse as a lure to attract more assistance. As a result, corruption, embezzlement and fraud are no longer symptoms of mismanagement, but have in fact become a system of management.

3. Moreover, of the 30 per cent of revenues that the TFG can actually account for, almost one quarter is channelled through the offices of the three principal leaders: the President, Prime Minister and Speaker of Parliament. In 2011, these three offices spent more than US$12.6 million, representing almost 23 per cent of total government expenditure -- almost as much as was spent on the TFG security forces (US$13.4 million) or the expenditure of all Ministries combined (US$15.4 million).

4. Some progress is gradually being made to improve transparency and enhance accountability. During the course of its investigations, the Monitoring Group has enjoyed the support and cooperation of numerous government officials, past and present, including some at the cabinet level, who are committed to cleaning up the Augean mess of TFG finances. The percentage of income unaccounted for has fallen over the past two years and internal financial management systems are steadily improving.

5. Such progress, however, is offset and possibly even neutralized by the inclination of TFI political leaders to resist any efforts to enhance transparency or accountability. Much of the cash received as foreign aid never reaches the Central Bank or the Treasury. TFG leaders have generally shunned a funding mechanism managed by Price Waterhouse Coopers, which was established with donor support as a confidence building measure. And an internal TFG Public Financial Management Unit (PFMU) was established in 2009, but produced only one report and two quarterly reviews before it was dissolved under political pressure from members of President Sharif's political circle (see below).

6. It is the assessment of the Monitoring Group that the systematic, deliberate misuse of public office, including the misappropriation of public finances, continues to represent the most serious

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[1] http://www.voanews.com/content/un-ban-somalia/1146218.html.

impediment to building effective governing institutions in Somalia and, by extension, to the restoration of peace, security and stability. The Group therefore recommends that the Security Council Committee on Somalia and Eritrea consider imposing targeted measures, and possibly other forms of political censure, against the senior Somali political leaders who bear responsibility for this misconduct.

Public sector financial management

TFG Financial Institutions

7. The Ministry of Finance is officially responsible for the collection and accounting of all revenue for the TFG and its disbursement to other ministries and agencies.[2] Other TFG financial institutions are:

i) Central Bank of Somalia, responsible for receiving deposits of all domestic revenue as well as external assistance; and, functioning as the main bookkeeper for both the TFG and local governments;
ii) Office of the Accountant General (OAG), embedded in the Finance Ministry and responsible for accounting all public financial revenue and expenses as well as to keep copies of all financial transactions;
iii) Office of the Auditor General, responsible for control of all TFG expenses and income as well as reviewing deposits and withdrawals from the Central Bank in accordance with the TFG annual budget approved by the Parliament,

8. These official mandates, however, are largely notional: the Ministry of Finance exercises little, if any, real; control over most government revenue streams, even from domestic assets like Mogadishu port; the Central Bank does not receive all deposits, and routinely disburses cash to individuals rather than to institutions, often without written justification. Not surprisingly, neither the Accountant General nor the Auditor General has a complete of even coherent understanding of government finances. Furthermore, all of these institutions are weak, under-staffed and communications and coordination between them is poor.[3]

9. In 2009, under mounting pressure both form within the TFIs and its international partners, then TFG PM Omar Abdirashid Sharmarke established a Public Financial Management Unit (PFMU) under the direct authority of the Prime Minister and headed by Abdirazak Fartaag, in order to introduce greater accountability and transparency into the TFG finances. In May 2010, the PFMU published the 2009 Annual Financial Report, followed by two quarterly reviews. These documents offered the first credible insights into the state of the TFG's financial health since its inception in 2004. Finance Minister Sharif Hassan, however, was reportedly displeased by this publication and ordered his staff not to answer any questions with regard to TFG revenues and expenditures.[4]

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[2] Interview with a high level TFG official from the Ministry of Finance, Nairobi, 5 June 2012.

[3] Interviews with TFG officials as well as TFG advisors, Nairobi, May and June 2012.

[4] Interviews with Fartaag, Nairobi, 6 June 2012, and with a former TFG official, Nairobi, May 2012.

10. In May 2011, allegedly under pressure from members of President Sharif's inner circle, including Abdulkarim Jaama, President Sharif's Chief of Staff, the new TFG Prime Minister, Mohamed Abdillahi 'Farmaajo', disbanded the PFMU.[5]

The "Audit Investigative Financial Report 2009-10"

11. On 21 May 2011, immediately following the closure of the PFMU, it's former Director, Abdirazak Fartaag, issued his first non-official "Audit Investigative Financial Report 2009-2010" (AIFR). The AIFR compared data collected during his tenure as head of the PFMU, data provided from the official TFG budget, and data obtained from the Office of the Accountant General (OAG), and other formal and informal sources.[6] Based on its findings, the AIFR accused the TFG of:

i) Gross public financial mismanagement;
ii) Large scale misappropriation of public funds;
iii) Large scale misappropriations of donor funds (Arabian);
iv) Unethical and unacceptable professional negligence;
v) Financial intimidation at the Executive's office compromising transparent and accountability;
vi) Concealment (under) collection of government budget revenue receipts;
vii) Concealment (under) payment of outstanding government expenditure receipts.[7]

12. Despite charges from TFG officials that Fartaag was simply a disgruntled former employee with an axe to grind, in the absence of any other official TFG financial reporting, the AIFR and OAG reports became principal points of reference for future analyses of the TFG financial situation.

13. On 20 February 2012, Fartaag published his second, unofficial "Audit Investigative Financial Report – 2011" where he compared the financial and budgetary performance of the two TFG administrations in 2011: the first half-year administration of PM Mohamed Abdullahi Farmaajo and the second half-year administration of the current PM Dr. Abdiweli Mohamed Ali.[8] The second non-official report underscored the inability of the government to collect the "direct tax" revenues reflected in the official 2011 TFG Budget (see below) and the lack of transparency in the external assistance originating from Arab States such as Sudan and the UAE.[9] Fartaag claims that former PM Farmaajo tried to persuade him not to publish this report on the grounds that it could jeopardize Arab donations.[10]

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[5] Interview with Fartaag, Nairobi, 6 June 2012.

[6] Abdirazak Fartaag, "Audit Investigative Financial Report 2009-2010", 21 May 2011. The AIFR report was not endorsed by the TFG.

[7] Abdirazak Fartaag, "Audit Investigative Financial Report 2009-2010", 21 May 2011.

[8] Abdirazak Fartaag, "Audit Investigative Financial Report – 2011", 20 February 2012. The report was published during a press conference organized in Nairobi on 20 February 2012, and it was not endorsed by the TFG.

[9] Abdirazak Fartaag, "Audit Investigative Financial Report – 2011", 20 February 2012.

[10] Interview with Abdirazak Fartaag, former head of the TFG PFMU, Nairobi, 6 June 2012.

The World Bank 'Financial Diagnostic Assessment'

14. On 30 May 2012, the World Bank published a report entitled "Summary of Financial Diagnostic Assessment of Audit Investigative Financial Report 2009-10," which assessed the figures reported in Fartaag's 2009-2010 AIFR, including the figures obtained from the OAG. The World Bank Financial Diagnostic Assessment (FDA) also identified "possible missing aspects of the AIFR and assesses the scope and scale of the AIFR allegations, including context and involved actors."[11]

15. The key findings of the FDA were:

i) the TFG collected about US$94 million in revenues in 2009 and US$70 million in 2010;[12]

ii) the TFG revenue exceeded official TFG expenditures by US$72 million in 2009 and US$39 million in 2010 – which was enough to pay all civil servants, parliamentarians and security forces in those two years;

iii) the main external revenue is believed to consist of direct foreign donations, primarily from various Middle-Eastern contacts; in fact, most foreign development and humanitarian aid is channeled to Somalia through NGOs and UN agencies, and not through the TFG;

iv) the TFG could have collected revenue from tax on qaad, telecommunications and remittance companies if it had made an effort to do so. It appears that no substantial revenue was collected on telecommunications, qaad or from remittance companies in 2009 and 2010. The TFG may be challenged as to why it has not formulated a policy of taxation on these sectors, processed it for legislation, and had an annual financial budget passed through the TFP;

v) the existence of a clear inconsistency in the official TFG records. The Accountant General, Central Bank and Ministry of Treasury record of domestic revenue is as approximately US$11 million, whereas OAG records it as approximately US$8 million with the difference being external revenue.

16. The World Bank FDA report also noted that the lack of reliable information impedes the ability to form a complete and accurate picture of TFG finances. For example, when TFG ministers resign, they retrieve or destroy all important documents relevant to their terms of office.[13] Lastly the World Bank FDA report noted that other forms of revenue and expenditure were addressed neither in the AIFR nor in the FDA, including:

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[11] World Bank, "World Bank Summary of Financial Diagnostic Assessment of "Audit Investigative Financial Report 2009-10", 30 May 2012.

[12] The World bank FDA revenue findings differ from the one reported by the AIFR and the OAG. The FDA summarizes that the AIFR over estimated the TFG domestic revenue by computing revenue generated from qaad and telecommunication taxations; and by computing revenue generated from the Mogadishu port authority which are collected and retained by the port management and not submitted to the TFG (See paras 17 – 19 below). The FDA also notes that the OAG revenues are under-estimated.

[13] Interview with current and former TFG officials, Nairobi, May and June *2012*.

i) Multilateral Assistance: a full investigation of multilateral aid remains outstanding, and only funds channelled directly through TFI's require accounting by the TFG. The PWC account for support to the TFG should be also accounted for comprehensively;

ii) "Privatization" Schemes: the AIFR did not look at major schemes of privatization of Somali assets, such as marine resources concessions and the tendency to outsource security operations;

iii) Other Revenue Streams of relevance for 2009 and 2010 that could be passport issuance, fishing concessions and remittance taxation;

iv) Somali Shillings Revenue and Expenditure.[14]

Mogadishu Port

17. The single most important source of domestic revenue for the TFG is the Port of Mogadishu. The 2012 TFG budget framework accurately observes: "One of the most striking characteristics of the Somali tax system is its excessive reliance on customs duties from the few actively functioning and accessible ports and airports. Almost over 85 percent of the total government revenue consists of taxes on imports."[15] For FY2011, the Ministry of Finance reported revenue of US$16,813,462 from the port of Mogadishu, a figure quite close to the US$16,830,381 reported by the OAG.

18. There are two main basic types of revenue collected at the port: customs duty tax on imported and exported goods; and operational port fees and handling charges that mainly covers running costs and maintenance of the facilities. The revenues from the customs duty tax are collected by the Customs Department of the Ministry of Finance, which has a subsidiary office inside the port, and transferred directly to the Central Bank. The SEMG learned that the TFG is currently working on reforming the import tax system with a view to increasing custom revenues.[16]

19. Revenues from port fees (such as docking fees) and handling charges are controlled by the port management and cover operational costs such as salaries, power, and maintenance. The port administration is in charge of overall port operations and do not disclose its income to any financial institutions. The current Finance Minister informed the Monitoring Group that "the TFG does not know what is happening inside the port", and his Ministry is currently negotiating with the port authority in order to obtain a monthly lump sum estimated 30 per cent of the total port authority income. The Ministry of Finance would continue to collect the entire customs duty tax.[17]

Missing funds, missing information

20. A key enabler of corruption and misappropriation of public finances is the absence of reliable information. TFG revenue and expenditure records are not only incomplete, but also essentially

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[14] World Bank, "World Bank Summary of Financial Diagnostic Assessment of "Audit Investigative Financial Report 2009-10", 30 May 2012.

[15] Transitional Federal Government, Ministry of Finance, "2011 Budget, Vol. 1: The Budget Framework", page 9.

[16] Interview with Dr. Abdinasir Abdulle, the TFG Minister of Finance, Mogadishu, 15 March 2012.

[17] Interview with Dr. Abdinasir Abdulle, TFG Minister of Finance, Mogadishu, 15 March 2012.

incoherent. Figures published by the Ministry of Finance and Office of the Accountant General are inconsistent, and neither set of books tallies with the TFG budget. Moreover, both institutions acknowledge that there is much information they do not receive.

The TFG 2011 Budget

21. In 2011, the TFG published its first official budget framework, including expected revenues, expenses and priorities. This budget -- the first and only financial document to date to have been endorsed by the Parliament -- estimated that revenues in 2011 would have reached US$29.9 million, but that reform of revenue collection systems, with special emphasis on reorganizing the tax authority, income could potentially increase in a number of ways:

- i) Revenue from custom collection, which was estimated at US$ 20.4 million in 2010, could reach US$ 40 million;
- ii) Sales tax receipts could reach US$ 7.0 million, from an estimated US$ 2.4 million in 2010;
- iii) Excise tax would increase from US$ 2.8 million to US$ 10.0 million;
- iv) Direct tax estimates would rise from US$ 1.4 million to US$ 5 million;
- v) Non-tax receipts would increase to US$ 6 million.

22. The budgetary framework optimistically concluded: "The total revenue estimates are expected to reach US$ 63 million and to cover the major portion of the TFG recurrent expenditure."[18] In practice, TFG domestic revenues in 2011 increased by less than US$4.0 million.

Actual Revenue in 2011[19]

23. There exist serious discrepancies in recorded revenues, even within the TFG's own financial institutions. For FY 2011, the Ministry of Finance (MoFin) reported actual revenues of US$72,643,000 whereas the Accountant General (OAG) reported revenues of only US$55,482,997: a difference of US$17,160,003.

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[18] Transitional Federal Government, Ministry of Finance, "2011 Budget, Vol. 1: The Budget Framework".

[19] The SEMG's analysis in this section is principally based on three documents: the TFG 2012 budget framework prepared in November 2011by the Ministry of Finance (in collaboration with the Horn Economic and Social Policy Institute (HESPI)), which at the time of writing had not yet been approved by Parliament; 2) the Accountant General's Annual Financial Report 2011, and; 3) the AIFR 2011 study.

Table 1: TFG 2011 Consolidated Income Assessment in USD

No	Description	FY 2011 Approved Revenue Budget[20]	FY 2011 Actual Revenue[21]	FY 2011 OAG Revenue	FY 2011 AIFR Revenue[22]
	Total Revenue	62,609,000	72,643,000	55,482,997	58,395,820
1	Domestic Revenue	29,909,000	23,805,000	24,102,860	23,494,956
1.1	Tax Revenue	26,979,000	17,112,000	17,512,487	18,967,435
	Direct Tax	1,418,000	218,000	2,106	
	Indirect Tax	25,561,000	16,894,000	17,510,381	18,967,435
1.2	Non-Tax Revenue	2,930,000	6,693,000	6,590,373	4,527,521
2	External Loan and Credit				
3	External Assistance	32,700,000	48,838,000	31,380,137	34,900,864
3.1	Bilateral Assistance	23,413,000	45,219,000	31,380,137	34,900,864
	Capital Grant		6,009,000	0	0
	U.S.A.		1,440,000		
	U.S.A.				
	Denmark		1,831,000		
	Spain		2,737,000		
	Germany				
	Security		12,410,000	0	0
	Italy		4,068,000		
	U.S.A.		8,342,000		
	Program Support		26,800,000	31,380,137	34,900,864
	Sudan		800,000		800,000
	Algeria		10,000,000	9,400,000	

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[20] FY 2011 approved budget revenue was approved by the parliament and presented in the 2011 Budget, Vol. 1: The Budget Framework.

[21] FY 2011 Actual Revenue was estimated in November 2011. It does not take into consideration revenue generated in late November and December 2011. Interview with the TFG Deputy Finance Minster, Nairobi, 5 June 2012.

[22] Includes the US$3,600,000 confiscated money belonging to a piracy operation and deposited into the Central Bank of Somalia account in addition to a penalty fee of US$100,000. In addition, in his original report, Fartaag did not separate between the Indirect tax and Non-tax revenue. He used the 2011 TFG budget framework prepared in 2010 as a model of reporting. For the sake of comparison, the SEMG has allocated Fartaag's figures in Indirect Tax or Non-Tax revenue.

	China		1,000,000	940,000	
	UAE		15,000,000	5,081,156	34,100,864
	Iraq			3,051,281	
	Unknown			12,907,700	
3.2	Multilateral	15,887,000	3,619,000	0	0
	UNDP Administered Trust Fund for the Police	9,287,000	3,619,000		
	Multilateral (EU and Others)	6,600,000			

24. Part of this discrepancy might simply be explained by different bookkeeping practices applied by the two institutions and access to different streams of information. For example, the AOG does not have access to revenues obtained from multilateral assistance as well as part of the bilateral assistance such as capital grants and security assistance.[23] As a result, the AOG did not include US$6,009,000 obtained from capital grants, US$12,410,000 obtained in security assistance, or US$3,619,000 received in bilateral revenue (all itemised as bilateral assistance), which the Ministry of Finance had recorded as revenue. Had the OAG categorized these figures as revenue, the total would have risen to US$77,520,997.

25. Likewise, the MoFin figures for FY 2011 actual revenue were in fact estimated in November 2011, and do not take into consideration revenue generated in late November and December of that year.[24] This meant that the MoFin figures omitted a US$3,051,281 donation from the Government of Iraq, which would have brought the total to US$75,694,281. The discrepancy between MoFin and OAG totals would thus have narrowed to US$1,826,716, which could be partially reconciled if the MoFin were to include domestic revenues generated in late November and December 2011.

26. Similarly, the AIFR figures, though unofficial, fail to include US$6,009,000 obtained from capital grants, US$12,410,000 obtained in security assistance, and US$3,619,000 received in bilateral contributions. Had these been included, the AIFR would have reported total revenue of US$80,433,820: a difference of US$2,912,823 compared to the AOG figures, and US$4,739,539 in comparison with MoFin figures.

27. The books become harder to balance with respect to external assistance, whose management by TFG leaders is deliberately opaque. The MoFIN, for example, records a contribution from the UAE as US$15,000,000; the AOG reports the same income as only US$5,081,156. The Accountant General suspected that less than US$10,000,000 had been donated by the UAE, but could obtain no information from the TFG leadership, and records instead an unidentified income of US$10,261,700

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[23] Interviews with Deputy Ministry of Finance and the Accountant General, Nairobi, June 2012.

[24] Interview with the TFG Deputy Finance Minster, Nairobi, 5 June 2012.

in its 2011 Annual Financial Report.[25] The Accountant General told to the SEMG that he did not officially know where the $US10,261,700 came from, so he decided to report it as domestic revenue but he suspects that it was actually external assistance.[26] The Monitoring Group has confirmed that the UAE donated US$10,000,000 to the Farmaajo administration and US$5,000,000 to the Abdiweli administration.[27]

28. Lastly, TFG PM Abdiweli Ali informed the SEMG that the US$15 million from the UAE had been wrongly reported. He noted that in 2011 the Farmaajo Administration had received US$10,000,000 from the UAE, but only deposited US$6,500,000 to the Central Bank, and that his administration had received US$5,000,000, which was entirely deposited into the Central Bank account.[28] The SEMG could not reach the Central Bank to confirm these claims and the Prime Minister could not understand why his Ministry of Finance had reported a higher amount than that registered by the Central Bank of Somalia.

Non-taxed revenues

29. In terms of non-taxed revenue, the TFG performed considerably better than budgeted. Non-tax revenues include: administrative charges, fees and penalties, airport and harbour fees, sales of public goods and services, visa charges and passports, and airports departures tax. However, income generated from such non-taxable goods is highly susceptible to diversion by corrupt officials, many of whom who have become highly sophisticated in concealing the misappropriation of financial resources. The Monitoring Group's investigation into revenues generated from the production of ePassport and National Identity Cards (see Annex 1.2), is illustrative of many similar schemes that result in TFG non-tax revenues being significantly under-reported – if they are reported at all.

Expenditure

TFG Outturn Expenses in 2011

30. Both the Ministry of Finance and the OAG provide poor quality reporting of TFG expenses. Not all expenses are registered, and the Monitoring Group has obtained evidence demonstrating how the Office of the President and successive Prime Ministers send letters to custom authorities requesting import tax exemptions for individual or companies that have provided services or goods to the TFG. These customs deductions are rarely registered, and in most cases payments are authorized without any registered proof of services rendered. It is the Monitoring Group's assessment that official expense reports are only generated as a paper exercise to reconcile and close the books.

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[25] According to the Accountant General the external assistance of US$10,261,700 were reported as follow: US$1,461,700 in January 2011, US$2,040,000 in February 2011, $US5,960,000 in March 2011, and US$800,000 in April 2011.

[26] Phone interviews with the Accountant General, May 2012.

[27] Interviews with Deputy Ministry of Finance and the Accountant General, Nairobi, June 2012.

[28] Interview with Dr. Abduweli Mohamed Ali, Nairobi, 8 June 2012.

31. For example, in FY2011, the OAG's Annual Financial Report reported a total expenditure of US$55,436,027 (see table 2 below). As noted above, the OAG had reported an income of US$55,482,997. Thus, according to the AOG, the TFG should have recorded a surplus of US$46,969. Moreover, had the AOG reported a total income of US$77,520,997 (as described in paragraph 24 above), then the TFG should have registered a surplus of US$22,084,969.

Table 2: TFG Accountant General's Annual Expenditure Report 2011[29]

Expenses Source	Amount: Jan To June 2011	Amount: July to December 2011	Total Amount Annual
Office of the President	2,189,759	2,659,002	4,848,761
Office of the Speaker	1,219,316	947,845	2,167,161
Office of Prime Minister	3,364,607	2,271,358	5,635,965
Supreme & Judiciary Court	263,846	329,917	593,763
Immigration Department	67,000	0	67,000
Embassies	148,080	60,000	208,080
Mps	2,870,100	2,291,842	5,161,942
Ministries	5,751,325	9,632,026	15,383,351
National Security	7,441,454	5,976,175	13,417,629
Financial Institutions	214,648	451,295	665,943
Other Contingency	3,108,378	0	3,108,378
Constitutional Commissions & Bodies	128,000	200,367	328,367
Local Government	1,221,769	1,269,234	2,491,003
Bank Commission	579,674	529,986	1,109,660
Amal Bank Commission	172,400	76,626	249,026
Total:	**28,740,356**	**26,695,671**	**55,436,028**

32. Similarly, the Ministry of Finance reported a preliminary outturn expenditure of US$65.2 million for FY2011, (see table 3 below). However, as noted above, MoFin reported actual revenues of US$72,643,000 for the same period. The Ministry should therefore have registered at least a surplus of US$7,443,000. Had MoFin included the December 2011 contribution from Iraq, total revenues would have reached US$75,694,281 and the TFG should have reported a surplus of US$10,494,281.

33. The Monitoring Group could find no official record of the surpluses described above.

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[29] Source: office of the TFG Accountant General.

Table 3: 2011 Expenditure Outturns by functional classification, (in Million USD)[30]

Functional Classification	2011 Approved Budget	2011 Preliminary Outturn	Outturn as Percentage of Budget
Admin and General Service	56.2	56.8	1.01
Economic Services	4.1	3.6	0.8
Social Services	2.6	1.5	0.6
Other	3.7	3.3	0.8
Total	**66.5**	**65.2**	**0.98**

Misappropriation of financial resources

34. In a context where institutions play 'fast and loose' with official figures, transactions often take place in cash, and controls are lax or non-existent, it should be no surprise that corruption runs rampant. However, the Monitoring Group's investigations have revealed that the TFG is less the victim of corrupt interests than a set of institutions that has been hijacked by political and commercial 'elites' for corrupt purposes. Many TFG officials make no distinction between public and private finances, and treat financial rules and institutions as obstacles to be circumvented or disregarded.

Assistance to the Somalia National Security Agency from the Government of Oman

35. In April 2009, General Mohamed Sheikh Hassan was appointed director general of the Somali National Security Agency (NSAA), the agency responsible for intelligence collection and analysis, counter-terrorism and immigration. Upon taking office, he learned that his predecessor, General Mohamed Warsame Farah "Darawiish", had secured US$3 million in security assistance from the Government of Oman, and decided to request a second contribution from Oman.

36. General Darawiish confirmed to the Monitoring Group that the Government of Oman had previously provided US$3 million in security assistance to the NSA and stated that the funds had been used to pay salaries to the Somali security forces, as well as to purchase rations and basic equipment.[31] However, a former NSA official told the Monitoring Group that a dispute had arisen between former President Abdillahi Yusuf and former PM Nur Hassan Hussein 'Adde' over the allocation of the Omani funds: the PM wanted the money to be deposited into the Central Bank of

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[30] Source: Transitional Federal Government, Ministry of Finance, "2012 Budget, Vol. 1: The Budget Framework".

[31] Interview with General Darwiish, Nairobi, 29 May 2012.

Somalia account, but the President and General Darawiish had disagreed.[32] According to the official: "The money simply disappeared and was never accounted for."[33]

37. In March 2010, Mohamed Sheikh succeeded in obtaining a meeting with his Omani counterpart. The meeting was arranged by the Somali Ambassador to Oman, Hassan Mohamed Siyad (the son of the late Somali President Mohamed Siyad Barre), as well as a Somali-Omani intermediary.[34]

38. Before leaving for Oman, Mohamed Sheikh informed Sharif Hassan, then Minister of Finance, about his planned travel to Oman and his intention to ask for security assistance. Sharif Hassan in turn informed President Sharif about the General's plan, and both approved his mission.[35] Per the General's request, the President wrote a formal letter to Oman's Sultan Qaboos bin Said Al Said, detailing the plight of the Somali people and welcoming any security or financial assistance.[36]

39. In March 2010, a five-member TFG delegation headed by Mohamed Sheikh travelled to Oman and met with the director of the Omani Internal Security Service (ISS). During that meeting, Mohamed Sheikh presented the President's letter together with an official request for assistance for the NSA, including funds for vehicles (Land Cruiser) and generators.

40. Several weeks after his return to Somalia, Mohamed Sheikh received a call from the ISS Director's assistant, informing him that the Sultan had agreed to make a contribution to the NSA. The assistant requested the name of a TFG payee's who could endorse a cheque.

41. Mohamed Sheikh directly contacted Finance Minister Sharif Hassan, who was then with the President in the UK. The Finance Minister instructed the General to contact Price Waterhouse Coopers (PWC) to enquire about the TFG swift account information, indicating that the Omani funds should be paid into the TFG's account.[37] Upon transmitting the account information to the Government of Oman, Mohamed Sheikh was informed that the total amount of the contribution was to be US$3 Million.[38]

42. Several weeks later, the Omani official again contacted Mohamed Sheikh to inform him that the Omani Agency was having difficulties arranging an electronic funds transfer, and suggested that a TFG official instead travel to Oman to pick up a cheque.[39] As Minister of Finance, Sharif Hassan decided to make the journey, but for administrative reasons the venue of the meeting was changed to Dubai.[40]

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[32] Interview with a former official from the NSA, Nairobi, May 2012.

[33] Interview with a former official from the NSA, Nairobi, May 2012.

[34] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.

[5] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.

[36] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.

[37] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012; interview with a former senior advisor to the TFG finance minister Sharif Hassan, 22 May 2012In July 2009, the TFG contracted PWC to help insure that Donors' funds are spent correctly; "Somalia appoints accountancy firm", BBC News, 8 July 2009, accessed online on 7 June 2012, http://news.bbc.co.uk/2/hi/8140165.stm.

[38] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.

[39] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.

[40] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.

43. While in the UAE, the Sharif Hassan attempted to open a new bank account for the TFG into which to deposit the funds. He was unsuccessful, so instead asked Ambassador Abdulkadir Sheikhey Al-Hatimi (then General Consul of the TFG in Dubai and Northern Emirates) to endorse and deposit the cheque into the bank account of the Consul General of the Federal Republic of Somalia (see Attachment 1.1.a).[41] According to Mohamed Sheikh: "It took weeks to process the cheque and TFG officials forgot to wire the money to the PWC account."[42]

44. When the anticipated funds failed to arrive, Mohamed Sheikh contacted Sharif Hassan repeatedly to inquire about his "share". The General confirmed to the Monitoring Group that he had asked for his agency's "share" as well as for a small personal amount to cover the expenses he had incurred while on his mission to Oman.[43] He claimed that he eventually received only US$10,000 from Sharif Hassan, which he believed originated from a different source.[44]

45. According to some former TFG officials, the Omani funds were ultimately distributed between President Sharif, Finance Minister Sharif Hassan, and Prime Minister Sharmarke.[45] Sharmarke told the Monitoring Group that both his office and the President's Office had each received US$100,000, which he suspected to have come from the Omani donation. Although he acknowledged having been aware of the Omani contribution, he claimed not to know how it had been spent.[46]

46. Ambassador Abdulkadir Sheikhey Al-Hatimi informed the SEMG that he had disbursed the US$3 million as follows:

i) US$1.2 million to the Dubai based A.S.M.J General Trading (L.L.C.);[47]
ii) US$150,000 to Jubba Airways Cargo for previous cargo service provided to the TFG;
iii) US$1,650,000 transferred through a money remittance company to Sharif Hassan, the then Minister of Finance in Mogadishu.[48]

47. Although Ambassador Sheikhey provided documentation to substantiate the payment to A.S.M.J., and the Monitoring Group is aware that the TFG contracts Jubba Airways for cargo services. The payment to Sharif Hassan however, remains unaccounted for. The Office of the Accountant General confirmed to the Monitoring Group that the Minister of Finance had reported no external assistance or revenue originating from Oman, stating: "[This assistance] has not passed through the state treasury system yet, and as the Accountant General of the state I have not seen it either."[49]

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[41] The Check of US$3million was deposited on 7 April 2009, in the Dubai Bank account number 020-102208-0210 held by the Consul General of the Federal Republic of Somalia.
[42] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.
[43] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.
[44] Interview with General Mohamed Sheikh Hassan, Nairobi, 24 May 2012.
[45] Interview with a former TFG security officials, Nairobi, May 2012.
[46] Interview with former TFG PM sharmarke, Nairobi, 6 June 2012.
[47] A.S.M.J General Trading (L.L.C.) was registered in the Dubai Chamber of Commerce and Industry on 10 June 2008. Its Dubai license number is 612221. ASMJ listed shareholders are Yehya Mohamad Hussain Ahmad Al Jaziri from the UAE, Abbas Shaikh Mohamad Jamalo from Kenya, and Abdibari Ali Shing Hussain from the U.K.
[48] Email communication with Ambassador Sheikhey on 26 May 2012.
[49] Email received from the TFG Accountant General, 31 May 2012.

Private management of public funds

Abbas Sheikh Mohamed and Yuusuf Sheikh Mohamed

48. The case of the Omani contribution is also illustrative of the commingling of public and private interests that characterizes the TFG's finances, and the way that public funds are routinely entrusted to private individuals for transmission via informal channels. This of course complicates the task of tracking funds, and creates opportunities for diversion, fraud and laundering to occur.

49. One of the recipients of Omani funds identified by Ambassador Sheikhey was A.S.M.J General Trading, a company managed by Abbas Sheikh Mohamed 'Jamalo' (also spelt Jimale), a Dubai based Kenyan-Somali businessman and close clan relation of President Sheikh Sharif (Hawiye/Abgaal/Harti/Agoonyar). According to current and former TFG officials, Abbas routinely advances funds to the TFG, and provides meticulous accounts when he wants reimbursement.[50] One of his primary services has been the provision of dry food and daily subsistence to the TFG security forces.[51]

50. Abbas Sheikh Mohamed is the brother of Yuusuf Sheikh Mohamed who owns Daljir Trading and General Service. Daljir also acts as a contractor for the TFG Ministry of Defence and is registered with the TFG Ministry of General Works and Housing. Other alleged shareholders of Daljir are Sayid Ali Ma'alim Abdulle, the current manager of Mogadishu port, and his brother Mohamud Moalim Abdulle.[52] According to multiple credible Somali sources, including TFG officials, Abbas and Yuusuf work very closely together, managing "the president's money" and collecting contributions from Arab countries on behalf of the President.[53]

51. Like A.S.M.J., Daljir has been contracted by the TFG Ministry of Defence to provide foodstuffs to TFG security forces.[54] On 3 April 2010, Daljir Trading submitted an invoice of US$1,965,000 to PM Sharmarke for having supplied TFG forces with dry food and daily subsistence.[55]

SKA Air & Logistics

52. On 28 June 2010, SKA Air & Logistics signed a management services contract for Mogadishu International Airport with the TFG. SKA President Mike Douglas informed Ambassador Sheikhey that, in accordance with a prior agreement with the former TFG PM, the company would deposit US$1 million into the bank account of the TFG Consulate General in Dubai on or before 1 July 2010.[56]

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[50] Interview with current and former TFG officials, Nairobi, May 2012.

[51] Interview with Ambassador Sheikhey and several Dubai based Somali businessmen, May 2012.

[52] Siyed Ali was mentioned in S/2011/433 para 72.

[53] Interviews with Dubai and Kenya based Somali businessmen and high level TFG officials, Nairobi, April, May and June 2012.

[54] See Attachment 1.1.b, Agreement between Daljir and the Ministry of Defense, signed on 16 November 2009.

[55] See Attachment 1.1.c, letter from Daljir's chairman Yussuf Sr. Mohamed to former TFG PM Sharmarke, dated 3 April 2010.

[56] See Attachment 1.1.d, letter sent from Mike Douglas to Ambassador Sheikhey on 28 June 2010.

53. Sheikhey confirmed to the Monitoring Group that SKA deposited the US$1 million into the Consulate bank account – the same account into which the Omani funds had been deposited. The funds were then disbursed as follows:

i. AED 3 million (approx. US$220,000) to partially reimburse A.S.M.J General Trading (see above and attachment 1.1.e);
ii. US$150,000 to reimburse Abdirazak Ido for a previous loan to the TFG in Djibouti;[57]
iii. US$30,000 paid for the President and Prime Minister's travel expenses;
iv. US$600,000 deposited at the Central Bank of Somalia.

54. According to Sheikhey, the US$600,000 destined for the Central Bank were transferred to Abbas Sheikh Mohamed, who then arranged for their delivery in Mogadishu via three transactions:

i. US$500,000 deposited by M/Cali Xassan Tuacow on 14 July 2010 (US$10,000 paid as Bank Commission);
ii. US$95,000 deposited by Sheikh Ahmed Jimale on 25 July 2010;
iii. US$5,000 deposited by M/Cali Xassan Tuacow on 26 July 2010.[58]

55. Although the Monitoring Group has no evidence that any of these funds were misappropriated, the manner in which they were handled is troubling. Having transferred these funds to private individuals, there is no official record of the funds' origin when deposited in the Central Bank. This not only undermines transparency, but also means that they could potentially be misrepresented at some future stage as personal loans, which have to be reimbursed.

Assistance to Somalia's Reconciliation from the Government of South Sudan

56. In early 2012, South Sudan donated, through Price Waterhouse Coopers, US$1 million to support TFG reconciliation efforts in Somalia's newly liberated areas. A senior TFG official confirmed to the SEMG that the TFG did indeed receive the US$1 million from South Sudan.[59] According to internal TFG documents obtained by the SEMG, the PM instructed the Finance Ministry to disburse the funds directly to individual government officials, MPs and political figures, including US$121,700 to his own office. No further information is available as to what these individuals did with the money, or whether any of these funds were in fact spent on reconciliation efforts.

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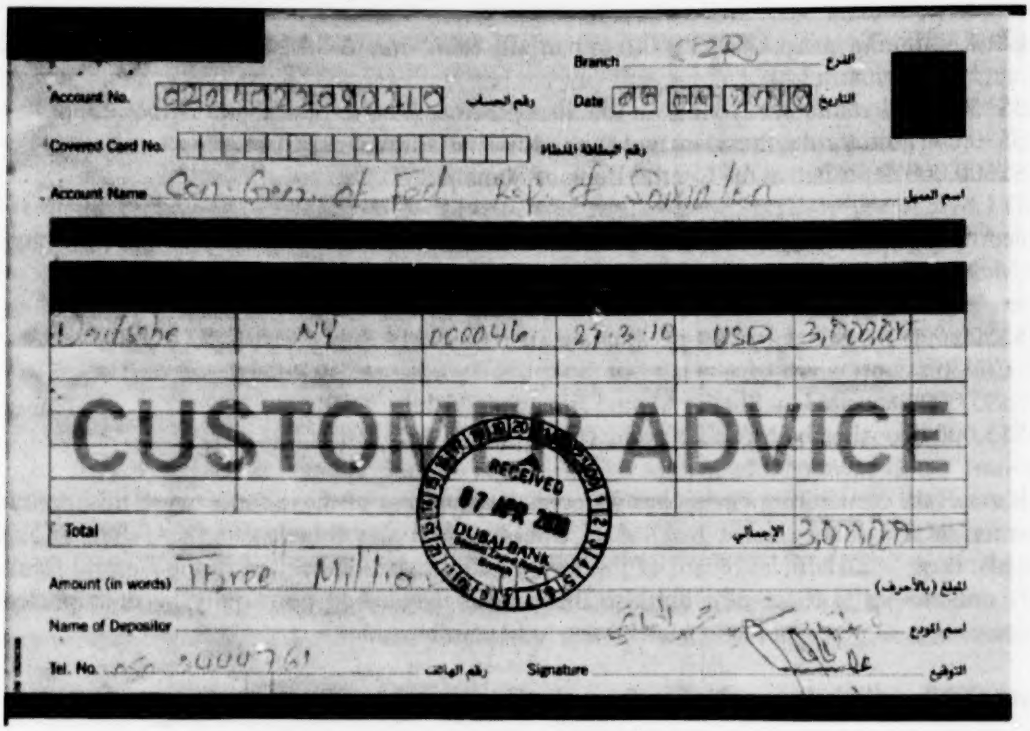
[57] Abdirizak Ido is the president of NationLink Telecom, a Somali based telecommunication Company. phone interview with Ambassador Sheikhey on 8 June 2012.

[58] Interview with Ambassador Sheikhey, Dubai, 26 January 2012, and Attachment 1.1.f, Central Bank of Somalia deposit slips.

[59] Footnote: communication from a senior TFG official, June 2012.

Annex 1.1.a.: Oman security assistance to TFG National Security Agency cheque deposit slip dated 7 April 2010



[redacted]

[redacted]

Branch CBR الفرع

Account No. [illegible] رقم الحساب Date 07 04 2010 التاريخ

Covered Card No. رقم البطاقة المغطاة

Account Name Cen Gov. of Fed Rep of Somalia اسم العميل

[redacted]

[redacted]

Deutsche	NY	000046	27.3.10	USD	3,000,000
Total				الإجمالي	3,000,000

CUSTOMER ADVICE

RECEIVED
07 APR 2010
DUBAI BANK

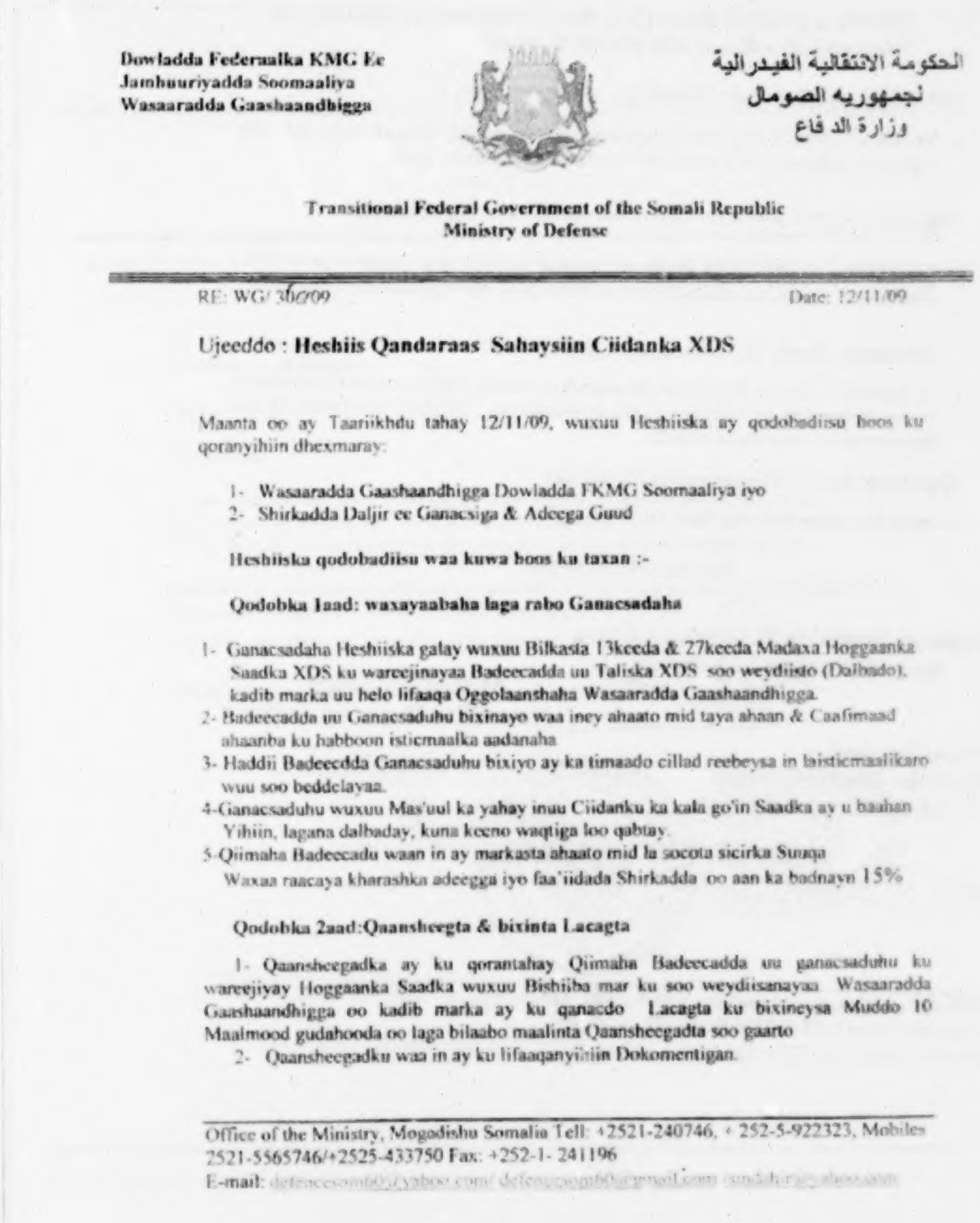
Amount (in words) Three Million المبلغ (بالأحرف)

Name of Depositor [illegible] اسم المودع

Tel. No. 050 3000761 رقم الهاتف Signature التوقيع

[redacted]

Annex 1.1.b.: Agreement between Daljir and the Ministry of Defense, signed on 16 November 2009



Dowladda Federaalka KMG Ee
Jamhuuriyadda Soomaaliya
Wasaaradda Gaashaandhigga

الحكومة الانتقالية الفيدرالية
نجمهوريه الصومال
وزارة الد فاع

Transitional Federal Government of the Somali Republic
Ministry of Defense

RE: WG/ 300/09 Date: 12/11/09

Ujeeddo : **Heshiis Qandaraas Sahaysiin Ciidanka XDS**

Maanta oo ay Taariikhdu tahay 12/11/09, wuxuu Heshiiska ay qodobadiisu hoos ku qoranyihiin dhexmaray:

1- Wasaaradda Gaashaandhigga Dowladda FKMG Soomaaliya iyo
2- Shirkadda Daljir ee Ganacsiga & Adeega Guud

Heshiiska qodobadiisu waa kuwa hoos ku taxan :-

Qodobka 1aad: waxayaabaha laga rabo Ganacsadaha

1- Ganacsadaha Heshiiska galay wuxuu Bilkasta 13keeda & 27keeda Madaxa Hoggaanka Saadka XDS ku wareejinayaa Badeecadda uu Taliska XDS soo weydiisto (Dalbado), kadib marka uu helo lifaaqa Oggolaanshaha Wasaaradda Gaashaandhigga.
2- Badeecadda uu Ganacsaduhu bixinayo waa iney ahaato mid taya ahaan & Caafimaad ahaanba ku habboon isticmaalka aadanaha
3- Haddii Badeecdda Ganacsaduhu bixiyo ay ka timaado cillad reebeysa in laisticmaalikaro wuu soo beddelayaa.
4-Ganacsaduhu wuxuu Mas'uul ka yahay inuu Ciidanku ka kala go'in Saadka ay u baahan Yihiin, lagana dalbaday, kuna keeno waqtiga loo qabtay.
5-Qiimaha Badeecadu waan in ay markasta ahaato mid la socota sicirka Suuqa
Waxaa raacaya kharashka adeegga iyo faa'iidada Shirkadda oo aan ka badnayn 15%

Qodobka 2aad:Qaansheegta & bixinta Lacagta

1- Qaansheegadka ay ku qorantahay Qiimaha Badeecadda uu ganacsaduhu ku wareejiyay Hoggaanka Saadka wuxuu Bishiiba mar ku soo weydiisanayaa Wasaaradda Gaashaandhigga oo kadib marka ay ku qanacdo Lacagta ku bixineysa Muddo 10 Maalmood gudahooda oo laga bilaabo maalinta Qaansheegadta soo gaarto
2- Qaansheegadku waa in ay ku lifaaqanyihiin Dokomentigan.

Office of the Ministry, Mogadishu Somalia Tell: +2521-240746, + 252-5-922323, Mobiles 2521-5565746/+2525-433750 Fax: +252-1- 241196
E-mail: [illegible]

i) Nuqul asala ah ee Warqadda Gudoonka Badeecada oo uu saxiixay Mas'uulka la wareegay Badeecadda, uuna oggolaaday Abbaanduulaha Guud ee XDS, & Warqadda Dalabka Wasaaradda.

ii) Nuqul ka mid ah Heshiiskan.

3- Cidkasta oo ka mid ah dhinacyada uu Heshiiska khuseeyo waxay Mas'uul ka Tahay wixii dib u dhac ah ee ka yimaada dhankeed.

Qodobka 3aad: Muddada Heshiiska

1- Muddada Heshiisku waa 3(Saddex)Bilood (90)Maalmood,oo laga bilaabo 16/11/09, waana la cusbooneysiin karaa haddii loo baahdo layskuna afgarto.

Qodobka 4aad: Xallinta Khilaafka ka dhasha Heshiiskan.

1- wixii khilaaf ah ee ka dhex dhasha dhinacyada uu Heshiisku khuseeyo ee la xiriira Heshiiskan, waxaa lagu dhameynayaa wada hadal & isla oggolaansho dhinacyada.

Qodobka 5aad: Ka bixida Heshiiska

1- Heshiiska wuu ka bixi karaa dhinacyada midkood, hadii uu sidaas Go'aansado, hase yeeshee waa in uu dhinaca kale la socodsiyaa 10(Toban) Maalmood ka hor, soona raaciyaa sababta ka bixidda.

Qodobka 6aad: Dhaqangalka Heshiiska

1-Heshiiska wuxuu dhaqangalayaa 16/11/09.

Saxiixa Dhinacyada

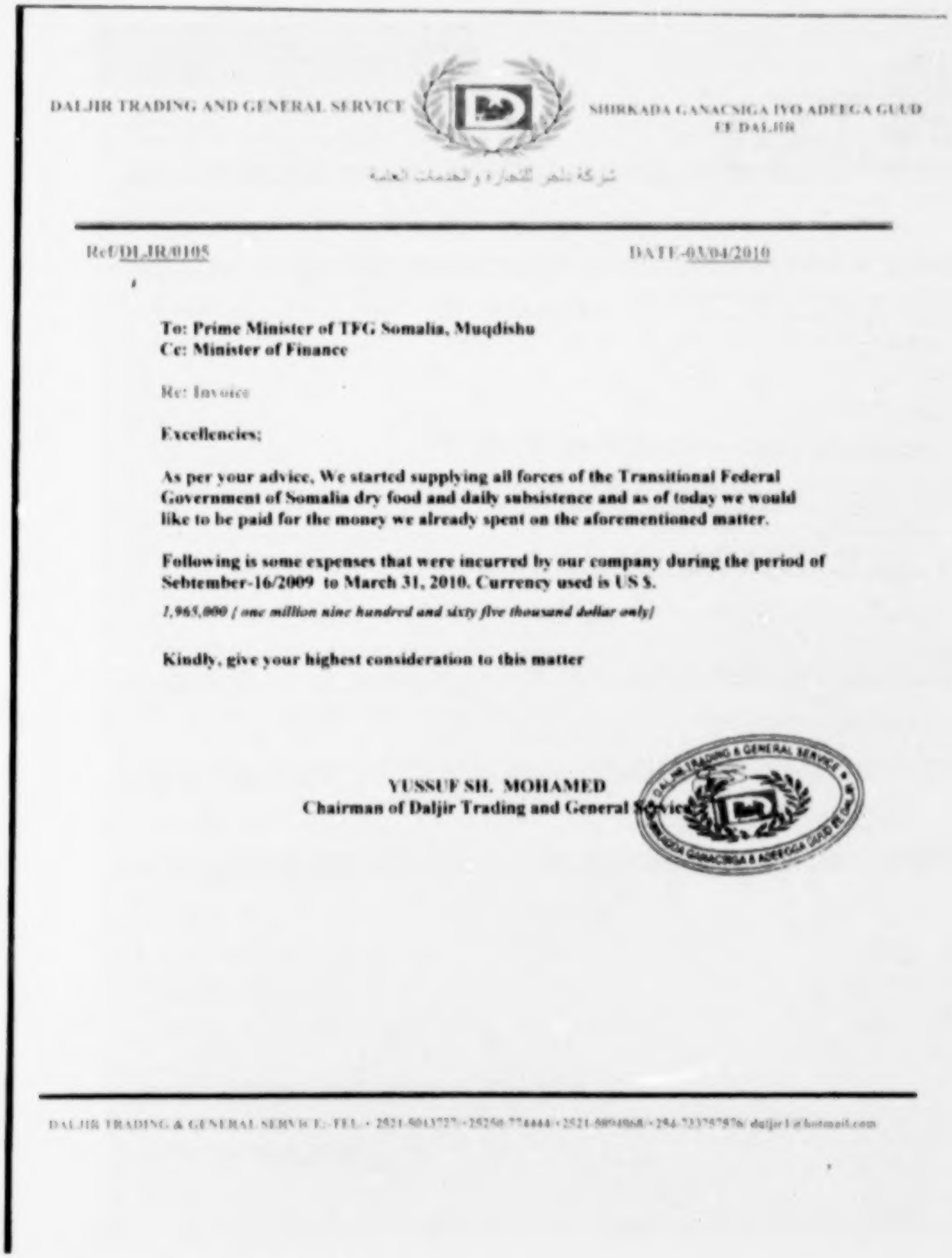
Xoghaya Joogtadda W/Gaashaandhigga
Samaan Maxamed Sh.Daahir

Madaxa Shirkadda
Yuusuf Sh. Maxamed Jimcaale

Waa Oggolaaday
Wasiirka Gaashaandhigga
Cabdalla Boss Axmed

Office of the Ministry, Mogadishu Somalia Tell: +2521-240746, + 252-5-922323, Mobiles 2521-5565746/+2525-433750 Fax: +252-1- 241196
E-mail: defencesom60@yahoo.com defencesom60@gmail.com [illegible]

Annex 1.1.c.: Letter from Daljir's chairman Yussuf Sr. Mohamed to former TFG PM Sharmarke, dated 3 April 2010



DALJIR TRADING AND GENERAL SERVICE
SHIRKADA GANACSIGA IYO ADEEGA GUUD EE DALJIR
شركة دلجر للتجارة و الخدمات العامة

Ref/DLJR/0105 DATE-03/04/2010

To: Prime Minister of TFG Somalia, Muqdishu
Cc: Minister of Finance

Re: Invoice

Excellencies;

As per your advice, We started supplying all forces of the Transitional Federal Government of Somalia dry food and daily subsistence and as of today we would like to be paid for the money we already spent on the aforementioned matter.

Following is some expenses that were incurred by our company during the period of Sebtember-16/2009 to March 31, 2010. Currency used is US $.

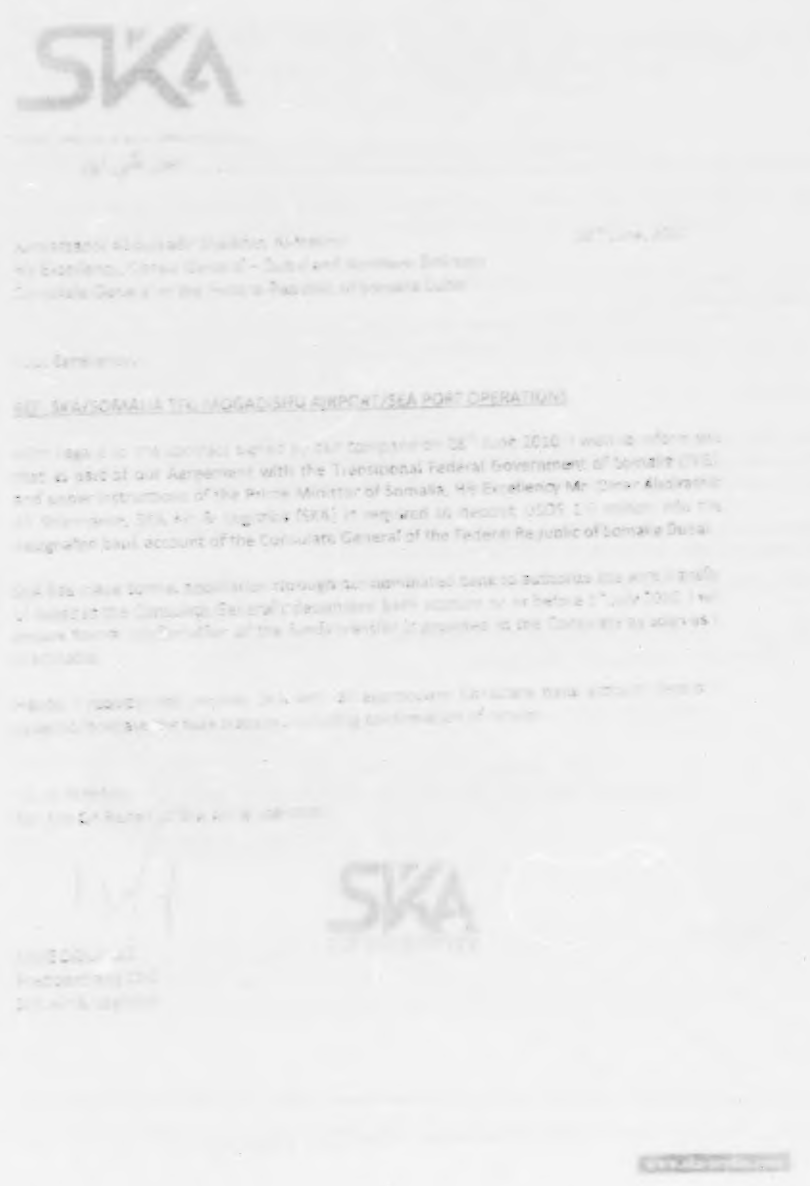
1,965,000 [one million nine hundred and sixty five thousand dollar only]

Kindly, give your highest consideration to this matter

YUSSUF SH. MOHAMED
Chairman of Daljir Trading and General Service

DALJIR TRADING & GENERAL SERVICE:-TEL: [illegible] daljir1@hotmail.com

Annex 1.1.d.: Letter sent from Mike Douglas to Ambassador Sheikhey on 28 June 2010



Ambassador Abdulkadir Shaikhey Al-Hatimi
His Excellency, Consul General – Dubai and Northern Emirates
Consulate General of the Federal Republic of Somalia Dubai

28th June, 2010

Your Excellency,

REF: SKA/SOMALIA TFG MOGADISHU AIRPORT/SEA PORT OPERATIONS

With regards to the contract signed by our company on 28th June 2010, I wish to inform you that as part of our Agreement with the Transitional Federal Government of Somalia (TFG) and under instructions of the Prime Minister of Somalia, His Excellency Mr. Omar Abdirashid Ali Sharmarke, SKA Air & Logistics (SKA) is required to deposit USD$ 1.5 million into the designated bank account of the Consulate General of the Federal Republic of Somalia Dubai.

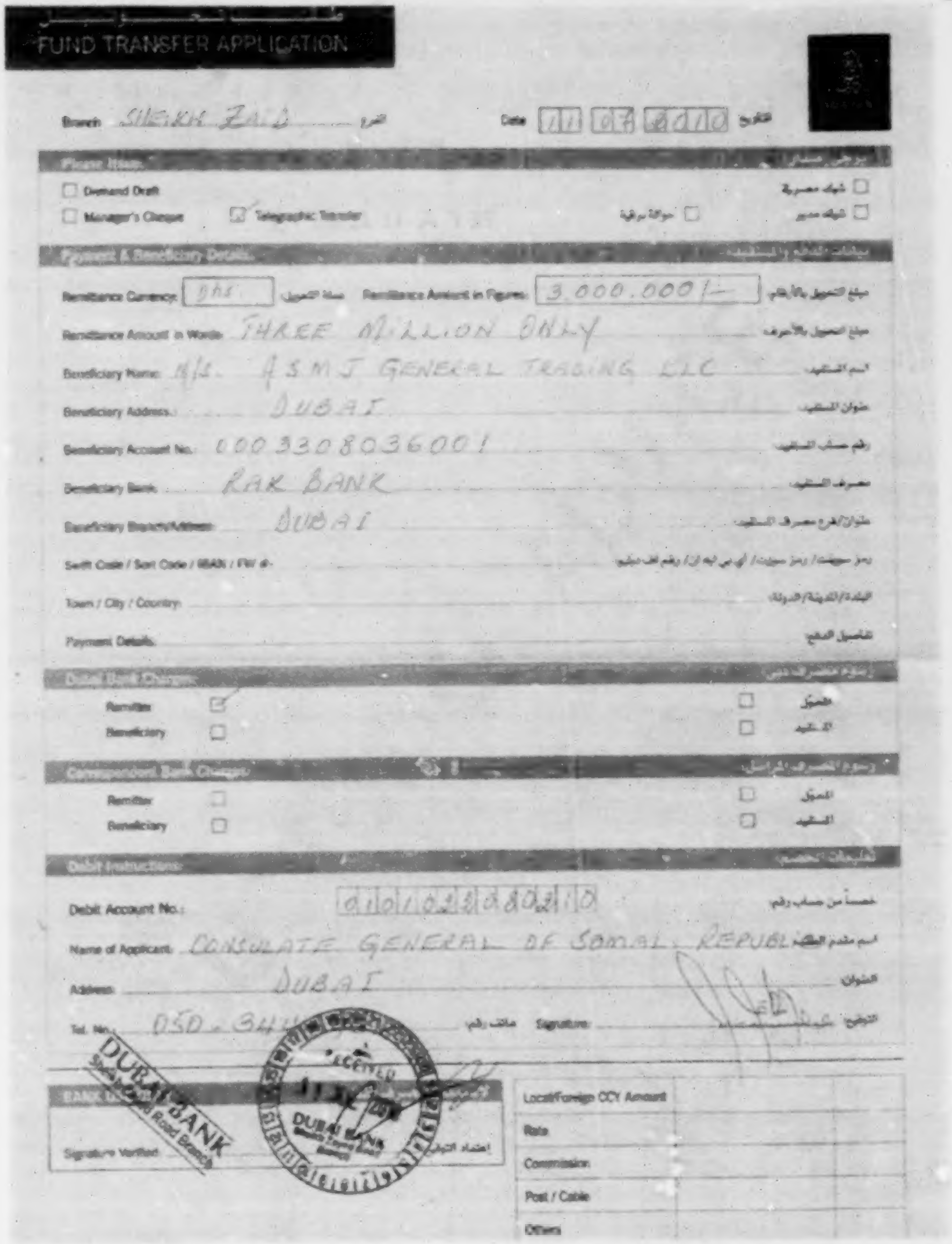
SKA has made formal application through our nominated bank to authorize the wire transfer of funds to the Consulate General's designated bank account on or before 1st July 2010. I will ensure formal confirmation of the funds transfer is provided to the Consulate as soon as it is available.

Hereby I request that you provide SKA with the appropriate Consulate bank account details [illegible] to have the bank transfer [illegible] confirmation of receipt.

Yours sincerely,
For and on behalf of SKA Air & Logistics

MIKE DOUGLAS
President and CEO
SKA Air & Logistics

Annex 1.1.e.: Dubai Consulate payment of AED 3 million to A.S.M.J. General Trading (L.L.C.)



FUND TRANSFER APPLICATION

Branch SHEIKH ZAID الفرع　Date 11 07 2010 التاريخ

Please Issue: يرجى إصدار

☐ Demand Draft　☐ شيك مصرفي
☐ Manager's Cheque　☑ Telegraphic Transfer　☐ حوالة برقية　☐ شيك مدير

Payment & Beneficiary Details: بيانات الدفع والمستفيد

Remittance Currency: Dhs. عملة التحويل　Remittance Amount in Figures: 3,000,000/- مبلغ التحويل بالأرقام
Remittance Amount in Words: THREE MILLION ONLY مبلغ التحويل بالأحرف
Beneficiary Name: M/s. ASMJ GENERAL TRADING LLC اسم المستفيد
Beneficiary Address: DUBAI عنوان المستفيد
Beneficiary Account No.: 0003308036001 رقم حساب المستفيد
Beneficiary Bank: RAK BANK مصرف المستفيد
Beneficiary Branch/Address: DUBAI عنوان/فرع مصرف المستفيد
Swift Code / Sort Code / IBAN / FW #:
Town / City / Country: البلدة/المدينة/الدولة
Payment Details: تفاصيل الدفع

Dubai Bank Charges:

Remitter ☑　☐ المحوّل
Beneficiary ☐　☐ المستفيد

Correspondent Bank Charges: رسوم المصرف المراسل

Remitter ☐　☐ المحوّل
Beneficiary ☐　☐ المستفيد

Debit Instructions: تعليمات الخصم

Debit Account No.: 0101022080210 خصماً من حساب رقم
Name of Applicant: CONSULATE GENERAL OF SOMALI REPUBL اسم مقدم الطلب
Address: DUBAI العنوان
Tel. No.: 050 - 344 هاتف رقم　Signature: التوقيع

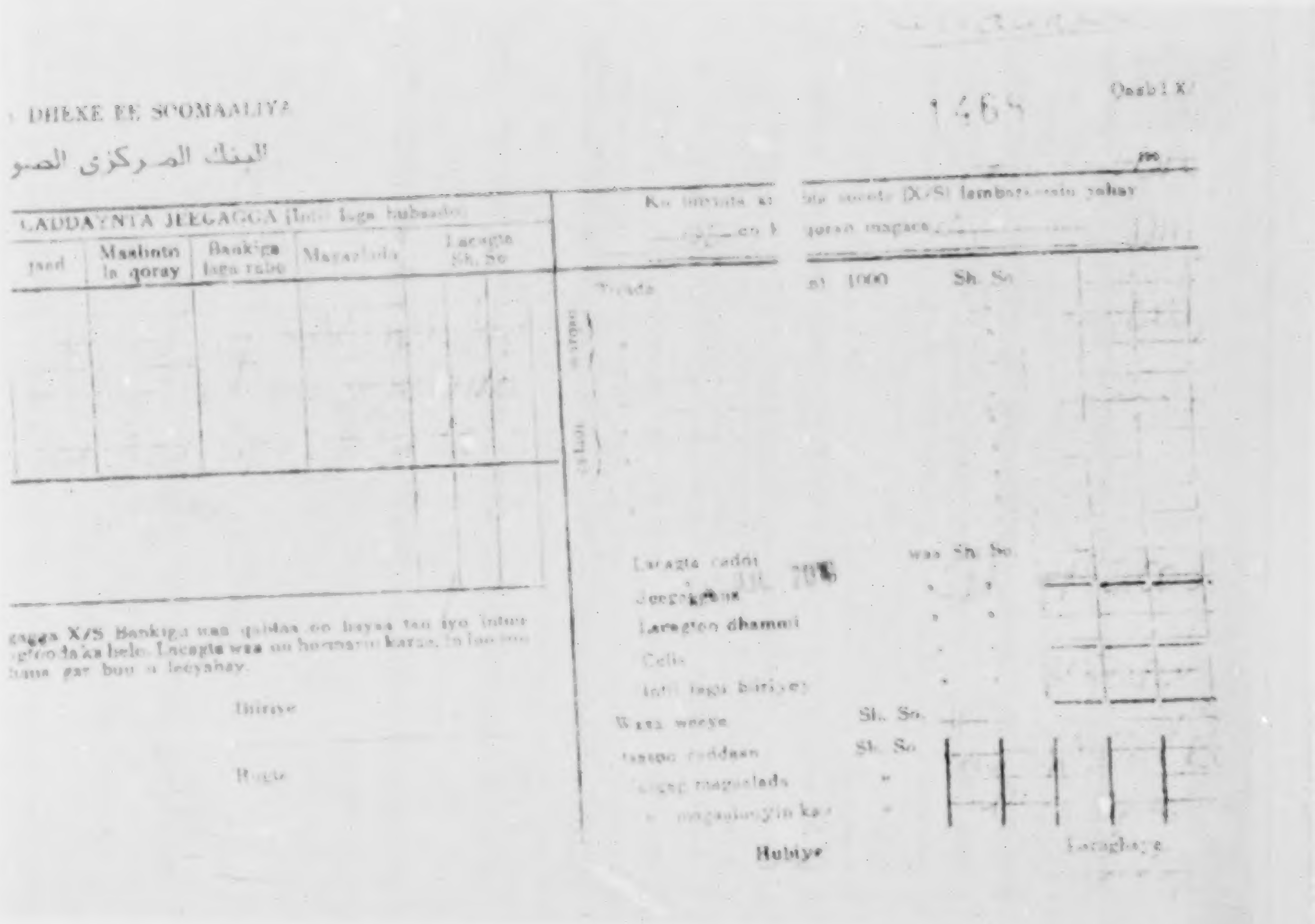
DUBAI BANK Sheikh Zayed Road Branch

RECEIVED
DUBAI BANK

BANK U
Signature Verified:

Local/Foreign CCY Amount	
Rate	
Commission	
Post / Cable	
Others	

Annex 1.1.f.: Central Bank of Somalia deposit slips



DHEXE EE SOOMAALIYA

البنك المـركزى الصو

1465

LADDAYNTA JEEGAGGA

	Maalinta la qoray	Bankiga laga rabo	Magaalada	Lacagta Sh. So

Sh. So

Lacagta caddi

Jeegagga

Lacagtoo dhammi

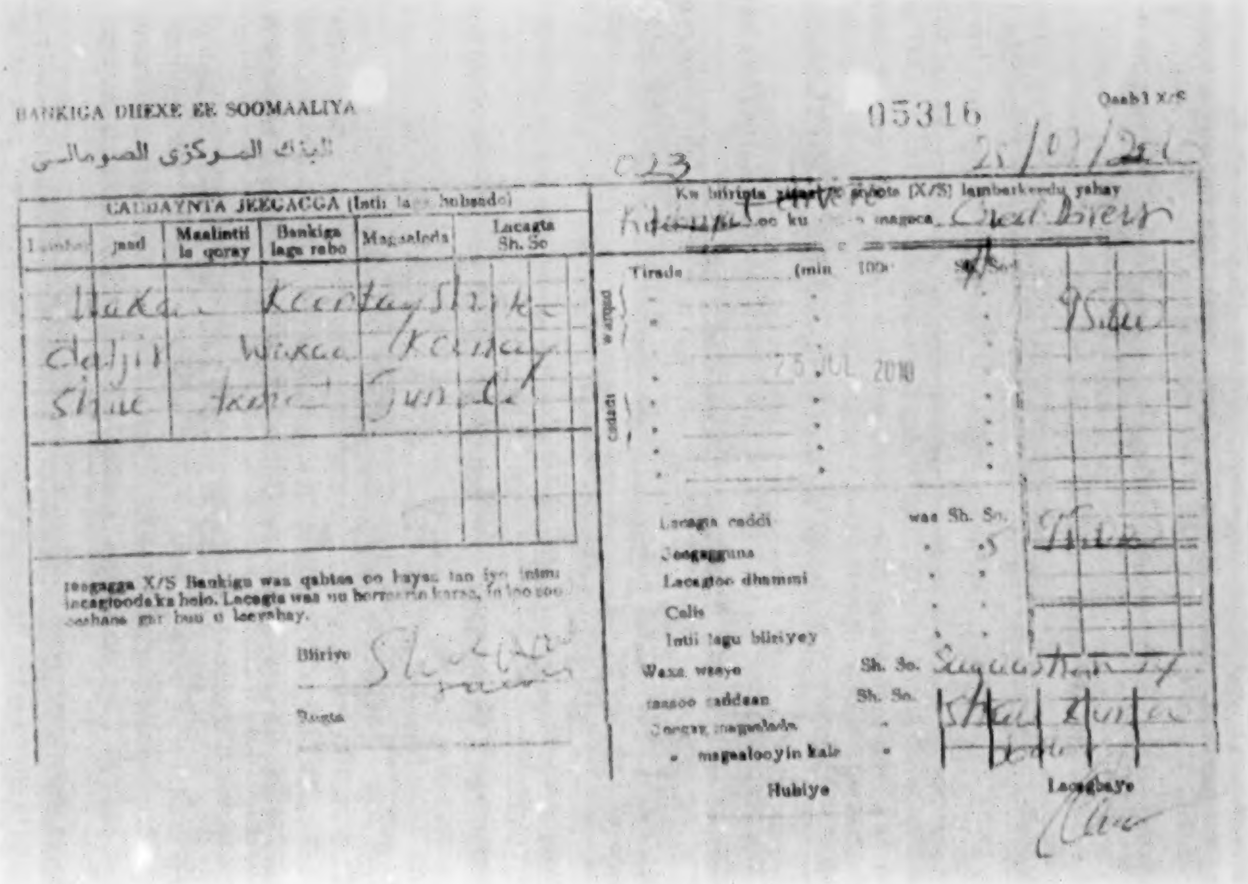
Wadar weeye Sh. So

Sh. So

Hubiye

Bankiga waa qabtaa oo hayaa tan iyo

Lacagta waa uu hormarin karaa



BANKIGA DHEXE EE SOOMAALIYA

البنك المركزى الصومالى

05316

Qaab 1 X/S

C23

25/07/2010

CADDAYNTA JEEGAGGA (Inti lagu hubsado)					
Lambar	jaad	Maalintii la qoray	Bankiga lagu rabo	Magaalada	Lacagta Sh. So

Hakdan Keentay Shirk
Daljir Wixaa Keenay
Shire Xaan Jun [illegible]

Jeegagga X/S Bankiga waa qabtaa oo hayaa ilaa iyo inta lacagtooda ka helo. Lacagta waa uu horrsiin karaa, in loo soo celshaa gar buu u leeyahay.

Biiriye [illegible]

Bogsta

Ku biirinta [illegible] (X/S) lambarkeedu yahay

Kireeyasha oo ku [illegible] magaca Cheel Direy

Tirada [illegible] (min 100) Sh. So.

waraaqo

caddadi

25 JUL 2010

Lacagta caddi waa Sh. So.

Jeegagguna

Lacagtoo dhammi

Celis

Intii lagu biiriyey

Waxa weeye Sh. So. Sagaashan [illegible]

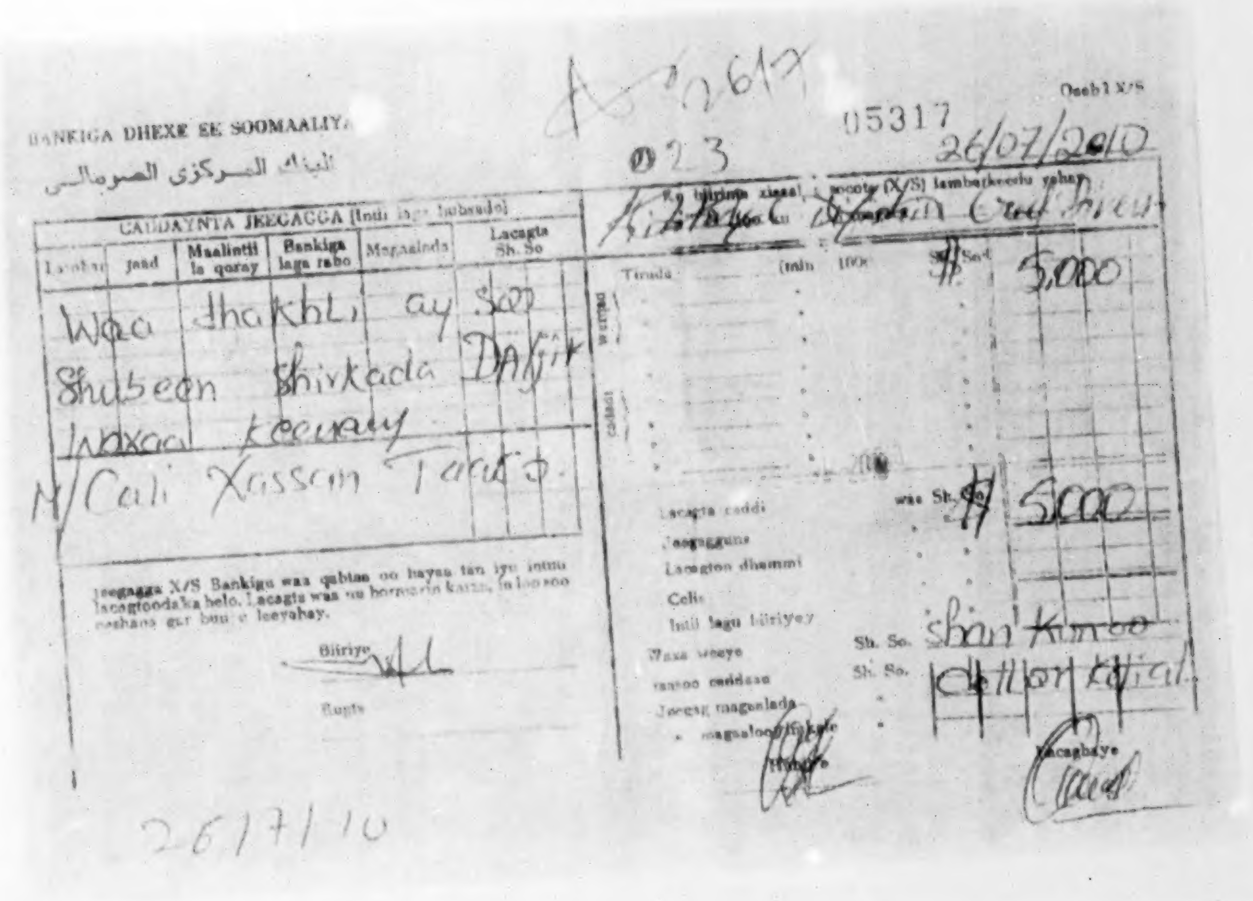
iyo tasoo caddaan Sh. So. Shan Kun [illegible]

Jeegag magaalada

magaalooyin kale

Hubiye

Lacagbaye



BANKIGA DHEXE EE SOOMAALIYA

البنك المركزى الصومالى

X 2617

05317

023

Qaab 1 X/S

26/07/2010

CADDAYNTA JEEGAGGA [Intii lagu bubsado]					
Lambar	Jaad	Maalintii la qoray	Bankiga laga rabo	Magaalada	Lacagta Sh. So
Waa dhakhli ay soo Shubeen Shirkada Dahir Waxaa keenay					
M/Cali Xassan Tarat.					

Jeegagga X/S Bankigu waa qabtaa oo hayaa tan iyo intuu lacagtoodaka helo. Lacagta waa uu hormarin karaa, in loo soo celshaa gar buu u leeyahay.

Bixiye

Rugta

Ku biirinta xisaab ... socota (X/S) lambarkeeda yahay ... Crew Shirkadda

Tirada ... [inta 100] Sh. So.	5,000
wax Sh. So.	5000

Lacagta caddi

Jeegagguna

Lacagtoo dhammi

Celis

Intii lagu biiriyey

Waxa weeye Sh. So. shan kun oo

tantoo caddaan Sh. So. dollar kaliya.

Jeegag magaalada

magaalooyinka kale

Hubiye

Lacagbaye

26/7/10

Annex 1.2.: Passport production, corruption and fraud

1. The absence of effective central government for more than two decades has deprived Somalis of the most fundamental privileges of citizenship, including a valid national travel document. The lack of a widely accepted passport has – among other deleterious effects - handicapped Somalia's highly mobile, transnational business community, and contributed to the exodus of Somalis from their homeland in the pursuit of alternative citizenship and the advantages it implies – including a foreign passport.

2. Successive interim Somali governments have sought to introduce new passport for a variety of reasons. In addition to responding to a genuine need, the introduction of a new Somali passport has been perceived by transitional administrations as a symbol of legitimacy, as well as an instrument of political leverage vis-à-vis other Somali authorities and factions. Such a combination of motives induced the TFG to introduce a new Somali passport in 2006, but the Monitoring Group has learned that dishonest government officials and businessmen have neatly transformed an ostensibly noble objective into a corrupt money-making scheme characterized by misappropriation of public funds, fraud and potential threats to regional and international security.

Background and context

3. On 19 October 2006, the TFG issued a contract for the production and supply of 'New Advanced Biometric Somali Passports' and National identity Cards to Just Solution Limited (JSL), a limited liability company incorporated in Seychelles with offices in Sharjah Airport Free Zone, United Arab Emirates.[60] According to former TFG PM Geedi, the Somali biometric passport was introduced by the TFG as a symbol of national reconciliation and to curb the forged production of non-biometric passport -- also known as green passport -- introduced by the Barre regime.[61] The Council of Ministers and the President endorsed the contract before the TFG signed the agreement.[62]

4. Under the terms of the agreement, the TFG was mainly responsible for:

i) appointing a Senior Committee to oversee the management of the project and with full authority and responsibility to deal with all communication with JSL;
ii) appointing the teams for the data collection centres (also known as enrolment centres) inside and outside Somalia;
iii) issuing application forms to all applying citizens;
iv) verifying, checking and approving the applications forms and submitting them to JSL for printing and personalization in electronic format;
v) inputting data into the passport and identity card systems;

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[60] Just Solution Limited official website: http://www.justsolutionsltd.com/index.php.

[61] In 2004, The Monitoring Group has already reported about forged passports used as a source of revenue for violators of the arms embargo, S/2004/604 page 25. Interview with former PM TFG Geedi, Nairobi, 26 May 2012.

[62] According to PM Geedi, "the TFG referred to the 1960 Constitution for endorsing the project because the TFG Charter did not address this particular issue." Under the 1960 Constitution, the Council of Minister has the sole authority to approve such contract.

vi) verifying that payments received from the applicants are deposited into designated bank accounts and are transferred by standing order into the account of Just Solution Limited.

The TFG would also establish an 'approval centre' in Nairobi, under the authority of the TFG Chief of Immigration, General Gaafow, that would have sole authority for vetting and approval of each passport application.

JSL was mainly responsible for:

i) implementing the passport and identity card system, and equipping each data input centre with five personal computers, two laptops, two digital finger scanners, two digital cameras, two laser jet printers and one photocopier;
ii) receiving approved application forms from an authorized department of the TFG;
iii) verifying payment received in the designated bank account of JSL;
iv) verifying data input by the passport department from various sources;
v) producing passports and identity cards (the passport production centre was established in Sharjah Airport Free Zone);
vi) delivering printed passports and identity cards to the authorized representatives of the TFG;
vii) financing the project including the data collection equipment.[63]

5. Both parties initially agreed that the fees payable to JSL were to be US$49 per passport for all applications received within Somalia and US$70 per passport for all applications received outside Somalia. In addition, a non-refundable surcharge of US$20 would be levied on all 'express' passport applications.[64] JSL later agreed to charge only US$49 for all applications, inside and outside Somalia.[65]

6. The TFG would charge a fee of US$150 for each passport and electronic national identity card for Somalis residing outside Somalia and, US$100 for Somalis residing within Somalia.[66] In mid-2009, the TFG decided to lower the fees to US$100 per passport and electronic national identity card for Somalis residing outside Somalia and, US$80 for Somalis residing within Somalia.[67]

7. JSL agreed to invest US$411,000 as an advance loan against implementation of the project, on condition that JSL would receive the full amount charged by the TFG for each passport application

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[63] See Attachement 1.2.a,E-Passport and National Identification Card Project Contract Between the Transitional Federal Government of the Somali Republic and Just Solution Limited. The agreement was signed on behalf of the Prime Minister Ali Mohamed Geedi by Hassan Ahmed Jaama, Deputy Minister of Foreign Affairs and International Cooperation and, General Abdullahi Gaafow Mohamud, Director of Immigration and Naturalization and, on behalf of JSL by Sanjivan Sunilkumar Mukherjee (also known as Sanjiv), chairman of JSL and, Jyoti Sanjivan Mukherjee, Director of JSL.

[64] See Attachment 1.2.a, E-Passport and National Identification Card Project Contract Between the Transitional Federal Government of the Somali Republic and Just Solution Limited.

[65] Interview with Sanjivan Mukherjee, Nairobi, 17 May 2012.

[66] Interview with Lt. Col. Abdi Yusuf Jibril, Former Deputy Director of Immigration and Naturalization, Minneapolis, 27 January 2012, and, interviews with Mr. Sanjivan Mukherjee, Nairobi, 21 December 2011 and, 6 January 2012.

[67] Interview with a TFG official with close knowledge of the passport project, Nairobi, 17 May 2012.

until the entire advance had been recovered.[68] In fact, in a letter sent to General Gaafow and Hassan Ahmed Jaama on 27 December 2006, Mr. Mukherjee agreed to advance an additional loan of US$200,000 to the TFG in addition to the previously paid loan of US$211,000.[69] General Gaafow and Hassan Jaama received and accepted the terms of the above-mentioned letter. Payments were made in different forms to various creditors:

i) in December 2005, JSL deposited a first cheque in the amount of US$200,000 to the TFG-office of Prime Minister Geedi's bank account, held in the Commercial Bank of Africa in Nairobi (Account No. 25006038);[70]
ii) in November 2006, JSL paid US$11,000 in cash to "assist the government in paying salaries for its staff at the Nairobi enrolment centre";
iii) on 28 December 2006, JSL paid US$150,000 in cash to General Abdullahi Gaafow Mohamud, Director of Immigration and Naturalization;
iv) on 8 February 2007, JSL paid US$40,500 in cash to Hassan Ahmed Jaama, Deputy Minister of Foreign Affairs and International Cooperation;
v) an additional amount of US$9,500 was paid for TFG official travel expenses.[71]

8. The first passport was issued in March 2007. However, within several months, the project began to face significant problems, as both parties accused the other of not meeting their obligations. According to TFG officials involved in the project, JSL has failed to fulfil its obligations toward the production of Somali ePassports by not delivering - or delaying the delivery - of passports to enrolment centres and embassies as well as by not opening more enrolment centres in Somalia, and at embassies abroad.[72] JSL's chairman, on the other hand, alleged corruption on the part of TFG officials and claimed that:

- the TFG did not repay the initial loan of US$411,000;[73]
- the TFG was not remitting the full amount from each passport, retaining funds that it owed JSL;
- the TFG had failed to meet its financial obligations related to the project and;

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[68] See Attachment 1.2.b, letter from JSL to General Gaafow dated 27 December 2006.
[69] See Attachment 1.2.b, letter from JSL to General Gaafow dated 27 December 2006.
[70] Former TFG PM Geedi acknowledged the receipt of the US$200,000 and noted that it was initially agreed that the funds would be used for other TFG expenses (such as salaries) and to refurbish the airstrip in Baidoa. Interviews with PM Geedi and Sanjiv Mukherjee, Nairobi, 29 May 2012.
[71] See Attachment 1.2.b, letter from JSL to General Gaafow dated 27 December 2006, and interviews with Mr. Sanjivan Mukherjee, chairman of Just Solution Limited, Nairobi, 21 December 2011 and, 6 January 2012. The SEMG has also obtained a payment receipt of US$150,000 signed by General Gaafow on 28 December 2006, and payment receipt of US$40,500 signed by Hassan Jaama on 8 February 2007 (See Attachment 1.2.c).
[72] Interview with General Gaafow, Dubai, 25 March 2012. And, interview with Ambassador Abdulkadir Sheikhey Al-Hatimi, Consul General of the TFG to Dubai and North Emirates, Dubai, 22 November 2011.
[73] JSL received the first loan repayment of US$111,000 on 21 July 2008 and a second loan repayment of US$100,000 on 8 October 2007. See Attachment 1.2.d, accounts for Somalia EPNID project, sent to General Gaafow on 13 January 2009.

- JSL encountered difficulties because of changes of government interlocutors in successive TFG administrations.[74]

9. On 13 March 2008, General Mohamed Warsame Farah "Darawiish" (Director General of the National Security Agency) sent a letter to JSL informing the management that General Gaafow and Hassan Jaama were fully authorized to "solve the obstacles of the ePassport and open 5 new centres to accelerate the project."[75] General Darawiish acknowledged that the TFG was not following through on its financial obligations to JSL, and that a solution was urgently needed. Both parties agreed to open two different bank accounts in Nairobi and JSL's share would be automatically deposited into its account.[76] In order to expedite the agreement, Trans-National Bank agreed to open a "collection centre" inside the Somali embassy in Nairobi that would manage both accounts; however, the bank subsequently closed that collection centre due to the limited number of applications (the TFG had encouraged the bank to open a collection centre in the embassy as it was expecting over 5,000 applications per month).[77] Afterwards, most application fees processed through the embassy in Nairobi were directly deposited into the TFG Trans-National bank account. The TFG failed to deposit the required amount generated through enrolment centres outside Nairobi.[78]

10. In late March 2008, in a bid to address these growing problems, Ambassador Sheikhey, TFG Consult General in Dubai, convened a meeting at Safari Park Hotel in Nairobi between former TFG PM Geedi, TFG officials, the chairman of JSL, and two Somali businessmen.[79] Officials representing the TFG were General Abdullahi Gaafow Mohamud (Director of Immigration and Naturalization), Ambassador Abdulkadir Sheikhey Al-Hatimi (Consul General of the TFG in Dubai & North Emirates) and Ambassador Mohamed Ali Nur "Americo" (TFG Ambassador to the Republic of Kenya).[80] The two Somali businessmen were Sharif Ahmed Ba'alawi, Managing Director of SASCO Logistic (L.L.C) -- a registered limited liability company based in Dubai -- and his business partner Abdullahi Omar "Bootaan". Ambassador Sheikhey noted that JSL was having financial problems and they [JSL] were looking for a business partner.[81]

11. During the Safari Park meeting, TFG officials encouraged JSL to enter into an agreement with SASCO that would revive the ePassport project. Under the new agreement JSL would maintain its overall control over the project, but SASCO Logistic would assume responsibility for:

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[74] Interviews with Mr. Sanjivan Mukherjee, chairman of Just Solution Limited, Nairobi, 21 December 2011 and, 6 January 2012.

[75] The Directorate of Immigration and Naturalization reports to the National Security Agency. General Darawiish was also involved in all aspects of the project since the beginning of its inception. See Attachment 1.2.e, letter from Gen. Darawiish to JSL dated 13 March 2008.

[76] Interview with General Darawiish, Nairobi, 29 May 2012; phone interview with Mohamed Ali Nur "Americo", TFG Ambassador to Nairobi on 30 May 2012.

[77] Interviews with both General Darawiish and Sanjiv Mukherjee, Nairobi, 29 May 2012.

[78] Interviews with both General Darawiish and Sanjiv Mukherjee, Nairobi, 29 May 2012.

[79] Interviews with Mr. Sanjivan Mukherjee, Nairobi, 21 December 2011 and, 6 January 2012 and, Interview with Sharif Ahmed Ba'alawi, Dubai, 27 November 2011.

[80] Ambassador Abdulkadir Sheikhey Al-Hatimi was appointed Consul General in 2007 and, he probably became involved in the project due to the fact that JSL was producing passports in Sharjah Airport Free Zone.

[81] Phone Interview with Ambassador Sheikhey on 24 May 2012.

i) marketing the ePassport & national identity cards to all Somali citizens both inside and outside Somalia in coordination with the TFG;

ii) transporting all personalized ePassports together with national identity cards from the JSL production centre in Sharjah to the respective enrolment and issuance centres for distribution;

iii) facilitating the collection of all monies from the government;

iv) paying in advance to JSL US$24 for each ePassport and identification card application (SASCO will earn the remaining US$25 from the original US$49 per passport set under the 2007 agreement between the TFG and JSL).[82]

12. Under the terms of the new agreement, SASCO agreed to pay US$2.4 million to JSL, starting with an initial payment of US$500,000.[83] According to JSL's Managing Director, SASCO Logistic would assume the role of dealing directly with TFG officials, including any requests for "bribes", relieving JSL of one of the problems that had led to the crisis.[84] An addendum to the agreement between the TFG and JSL was submitted to the Minister of Finance for signature on 4 April 2008.[85] According to Gen. Darawiish, the Addendum was signed by Gen. Gaafow, and he was not aware about this new agreement until two months later. When he learned of the addendum, he claims to have rejected it on the grounds that the TFG should not interfere in JSL's internal business, especially if the company entered into an agreement with a third party. He refused to change the original contract with the JSL.[86]

13. Several weeks later, however, Sharif Ahmed Ba'alawi decided to withdraw from the agreement, reclaiming his initial investment of US$500,000 as well as another payment of US$100,000 to JSL.[87] Sharif claimed that his involvement was a mistake and, that the project was not viable.[88]

14. In mid-2008, General Darawiish travelled to Dubai to inspect JSL's facilities. During his visit, Ambassador Sheikhey asked General Darawiish if he would agree to be introduced to Sharif Ahmed, and offered to organize a meeting in Sharjah's Millennium Hotel where Darawiish was staying. During that first encounter, Sharif Ahmed informed the General that he and his partners wanted to replace JSL and that they were in a position to convince President Yusuf; however, in their view, the General was the only obstacle.[89] General Darawiish terminated the meeting by informing the

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[82] See Attachment 1.2.f, agreement between JSL and SASCO Logistics signed 12 April 2008.

[83] See Attachment 1.2.f, agreement between JSL and SASCO Logistics signed 12 April 2008.

[84] Interview with Sanjivan Mukherjee, Nairobi, 21 December 2011.

[85] See letter from JSL to the Minister of Finance dated 4 April 2008 and, unsigned copy of the Addendum to the E-Passport & National Identification Card Project Contract between the TFG of Somalia and JSL.

[86] Interview with Gen. Darawiish, Nairobi, 29 May 2012.

[87] Clause 4.2 of the Agreement between JSL and SASCO obligates SASCO to pay US$380.000 within 30 days from the first day of the agreement signature. The US$100.000 was an advance to the first US$380.000. (See Attachment 1.2.f).

[88] Interview with Sharif Ahmed Ba'alawi, Dubai, 27 November 2011.

[89] Interview with General Darawiish, Nairobi, 29 May 2012.

Ambassador and Sharif Ahmed that the TFG had to respect its commitments to JSL and that the latter had not committed any major breach of any of the provisions of the project agreement.[90]

15. A few weeks later, General Darawiish received a call from Ahmed Yusuf Ahmed (the son of President Yusuf) asking him to come urgently to Nairobi. He informed him that Syed Ali (his brother in law) accompanied by Ambassador Ahmed Mohamed Egal (former TFG Ambassador to the UAE) and General Gaafow were going to meet with the President to ask for his support in changing the ePassport contractor.[91] Ambassador Ahmed Egal denied attending such meeting.[92] At that time, Mariam Yusuf Ahmed (the daughter of the president) and her husband Syed Ali were resident in Sharjah. They were aware of the passport project as they had previously met with Sanjivan Mukherjee in Sharjah and offered him to assist with the project.[93] Upon his return to Nairobi, General Darawiish was able to convince President Yusuf not to terminate the contract with JSL.[94]

16. After his resignation in late November 2008, General Darawiish called Sanjivan Mukherjee and informed him that he had asked General Gaafow and Hassan Jaama to clear the outstanding amounts with JSL; Darawiish claimed that at the time he resigned, the TFG still owed JSL around US$700,000.[95] In addition, Darawiish noted that the TFG had surpluses in some of the ePassport project accounts; approximately US$420,000 in the Somali Embassy in Addis Ababa and roughly US$400,000 in Mogadishu. Darawiish asked Gaafow and Hassan Jaama to withdraw money from these accounts in order to pay JSL. Later, Darawiish learned from the Somali Ambassador in Addis Ababa that General Gaafow and the newly appointed Minister of Finance Sharif Hassan had removed the money from the embassy account. Darawiish also learned that JSL was not paid.[96]

17. On 19 March 2009, General Gaafow met with JSL's Sanjivan Mukherjee and Mohamed Aden "Edson", TFG Consul in Nairobi, to discuss pending passport issues such as late deliveries, outstanding invoices and embassies orders. During that meeting, which took place at the Somali Embassy in Nairobi, Mukherjee raised concerns about passport orders originating with TFG Consul General Sheikhey in Dubai. The Consulate in Dubai was allegedly sending application orders directly to JSL, instructing the office in Sharjah to produce Somali passports without the endorsement of the Nairobi-based 'approval centre', undermining the verification process established by the TFG. In addition, Sanjivan Mukherjee requested that General Gaafow clear the pending amount of US$722,423 owed to JSL. The amount encompassed the outstanding US$200,000 initial loan as well as the outstanding balance of US$522,423 for the production of 17,572 ePassports.[97] General Gaafow

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[90] Interview with General Darawiish, Nairobi, 29 May 2012.

[91] Interview with General Darawiish, Nairobi, 29 May 2012.

[92] Phone interview on 30 May 2012.

[93] Interview with Mr. Sanjivan Mukherjee, Nairobi, 21 December 2011.

[94] Interview with General Darawiish, Nairobi, 29 May 2012.

[95] Interview with General Darawiish, Nairobi, 29 May 2012.

[96] Interview with General Darawiish, Nairobi, 29 May 2012.

[97] See Attachment 1.2.d, Accounts for Somalia EPNID project, sent to General Gaafow on 13 January 2009. See also See Attachment 1.2.g emails exchanges between General Gaafow and JSL.

agreed that direct orders from embassies and consulates should cease, stating: "The Immigration Department is sole responsible [*sic*] of the approval and the issuance of the passports."[98]

18. In early 2009, Ambassador Sheikhey asked Mr. Mukherjee to travel to Dubai to meet with the newly-appointed TFG Minister of Finance, Sharif Hassan Sheikh Adan, to discuss issues related to the passport project. Mr. Mukherjee claimed that, just prior to that meeting, Ambassador Sheikhey told him that Sharif Hassan's son was studying in Australia and that a generous offer from Mr. Mukherjee would encourage the new Minister to assist in resolving pending problems. Mr. Mukherjee claims that he refused and that the meeting with the Minister was formal and inconclusive.[99] Ambassador Sheikhey denied having such a discussion with Sanjivan Mukherjee.[100]

19. In June 2009, Mr. Mukherjee met with the newly appointed TFG PM, Omar Abdirashid Ali Sharmarke, in Dubai. The PM inquired about the status of the passport project, and asked for explanations as to why passports had not been delivered by JSL to enrolment centres and embassies for a significant period of time. He also expressed security concerns because the production and data centres for passport were in Sharjah and not in Mogadishu. He asked Sanjiv to send him a proposal detailing a timeframe for installing a production centre in Mogadishu. PM Sharkmarke later told the Monitoring Group that he had not been aware of any pending payments at the time of his meeting with JSL, and that Mr. Mukherjee had not raised the issue with him.[101] Lastly, Mr. Sanjivan claimed that Ambassador Sheikhey had suggested that he offer an inducement to the PM so that the latter could assist in solving the project's pending problems.[102] The PM denied being aware of Ambassador Sheikhey's request.[103] Ambassador Sheikhey also denied having this discussion with Mr. Mukherjee.[104]

20. On 23 June 2009, Abdullahi Mohamed Aden (Vice-Consul of the TFG in Dubai and North Emirates) sent a letter to JSL expressing concerns about the company's "failure of fulfilling its obligation towards the production and issuance of Somali passports", and claiming that passports had not been delivered since 3 June 2009. The letter also asked JSL to provide information about the exact date the company would re-start producing and delivering passports.[105] In its response dated 24 June 2010, JSL informed the TFG that it was conducting a system upgrade, and that passport production would resume during the first week of July 2009 (JSL also noted that the TFG was aware about the scheduled upgrade). Furthermore, JSL claimed that the TFG had not yet cleared its outstanding payment of over US$600,000 despite promises by the finance minister, the prime minister, and the president to do so. Nor had the TFG offered feedback regarding setting up new enrolment centres. The

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[98] The minutes of the meeting at the Somali Embassy in Nairobi on 19 March 2009 were sent by the Directorate of Immigration and Naturalization to JSL by email (See Attachment 1.2.g).

[99] Interview with Sanjivan Mukherjee, Nairobi, 21 December 2011.

[100] Phone interview with Ambassador Sheikhey on 24 May 2012.

[101] Interviews with PM Omar Abdirashid Ali Sharmarke, Dubai, 24 January 2012, and Nairobi, 7 June 2012.

[102] Interview with Sanjivan Mukherjee, Nairobi, 21 December 2011.

[103] Interview with PM Omar Abdirashid Ali Sharmarke, Dubai, 24 January 2012.

[104] Interview with General Darawiish, Nairobi, 29 May 2012.

[105] See Attachment 1.2.h, letter from Abdullahi Mohamed Aden to JSL dated 23 June 2009.

letter was also sent to the Office of Prime Minister, the Minister of Foreign Affairs, the Minister of Finance, and the Somali Vice-Consul in Dubai.[106]

21. On 19 May 2009, the Director of Immigration and Naturalization issued a directive to JSL ordering that "all online application [*sic*] will be served only by the Dubai General Consulate after the approval of Director of Immigration."[107] This new directive also allowed Somali citizens residing in cities where there was no enrolment centre to contact the Consulate in Dubai and, apply for a passport by email. This directive created new security issues: all online applications would be exempted from the mandatory electronic fingerprint scan and circumvent the approval centre in Nairobi. [108]

22. A Somali official familiar with the project told the SEMG that this Directive was dangerous and that it "opened a Pandora's box for criminals."[109] Moreover, according to the official, Finance Minister Sharif Hassan allegedly compounded the problem by signing a document in 2009 that designated Ambassador Sheikhey as the sole representative of the government responsible for coordinating with JSL.[110]

23. On 26 June 2009, Lt. Col. Abdi Yusuf Jibril, Deputy Director of Somalia's Immigration Department, sent a letter to the PM and the President alerting them that Somali diplomatic and service passports could "end in the hands of international terrorist organization", as well as raising concerns about the misappropriation of funds and "maladministration of the project".[111] According to Lt. Col. Jibril, the authorities disregarded his letter without conducting any investigation.[112]

24. Meanwhile, Sharif Ahmed contacted the Finance Minister and requested that he intervene with JSL with regards to the repayment of the US$600,000 he had invested in the project. In response to his request, Finance Minister Sharif Hassan convened a meeting with Sharif Ahmed and Sanjivan Mukherjee in Nairobi, Kenya in September 2009. At that meeting, the minister acknowledged that the TFG owed money to JSL and proposed that Sharif Ahmed forgive US$400,000 of JSL's total debt of US$600,000 and that in return the TFG would later pay Sharif Ahmed US$400,000, to be deducted from the money that the TFG owed to JSL. JSL and SASCO Logistics agreed to that condition and,

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[106] See Attachment 1.2.i, letter from JSL to General Gaafow dated 24 June 2009.

[107] See Attachment 1.2.j, directive from General Abdullahi Gaafow Mohamud dated 19 May 2009. An online application allows a Somali citizen residing in countries where there is no enrolment centre to go to an "agent" in order to testify that he/she is a Somali citizen, pays a certain fees and submit an application that includes a digital photo ID and basic identification information such as full name, date and place of birth, country of residence, father and mother's name, gender, marital status, occupation and contact information. After collecting this info, the agent sends the application by electronic mails to the Consulate in Dubai. The passport will be mailed through express courier two weeks later.

[108] Interview with Sanjivan Mukherjee, Nairobi, 21 December 2010.

[109] Interview with a TFG official with close knowledge of the passport project, Nairobi, 19 January 2012.

[110] Interview with a TFG official with close knowledge of the passport project, Nairobi, 19 January 2012; the SEMG has been unable to confirm the allegation.

[111] See Attachment 1.2.k, letter from Lt. Col. Abdi Yusuf Jibril to the President and Prime Minister of the TFG dated 26 June 2009.

[112] Interview with Lt. Col. Abdi Yusuf Jibril, Minneapolis, 27 January 2012.

JSL promised to pay the remaining US$200,000 to SASCO Logistics.[113] Sharif Ahmed confirmed to the Monitoring Group that he was not worried and he knew "how to get his money from the TFG".[114] Sanjivan Mukherjee noted that Sharif Ahmed received custom fees discounts from Mogadishu Port for his other trading businesses.[115] This TFG practice to repay money owned to third parties by offering deduction from the ports or airports has been commonly used by successive TFG administrations.

25. On 1 April 2010, Sharif Hassan Sheikh and Gaafow signed a new contract on behalf of the TFG with Mondial Technology Information (MTI) for the production of ePassports and National Identification Cards.[116] The Monitoring Group has confirmed that the de facto, unregistered owner and director of MTI is Sharif Ahmed Ba'alawi of SASCO Logistic.[117] The terms of the contract are similar to that signed with JSL, but the fees payable to MTI are US$35 per passport for all applications received within and outside Somalia, instead of US$49.

26. On 23 June 2010, nearly three months after the new contract had been awarded to MTI, TFG PM Sharmarke sent a termination letter to JSL alleging serious contract violations, notably JSL's "failure to streamline operations, improve services and eliminate the existing backlog."[118] By way of response, JSL claimed that the TFG had not respected its part of the contract and that, as of May 2012, the TFG still owes JSL US$1.5 Million.[119] After the termination of the contract, JSL decided to close its office in Sharjah and to ship all equipments to Nairobi without notifying the TFG.[120] The consignment was interdicted by the Kenyan Revenue Authority on 16 November 2011 and, at the time of writing, the case was before the Kenyan courts.[121]

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[113] Interviews with Sharif Ahmed Ba alawi, Dubai, 27 November 2011 and, with Sanjivan Mukherjee, Nairobi, 21 December 2011. See also Attachment 1.2.l, letter from JSL to Hon. Sharif Hassan Sheikh Aden dated 6 September 2009. See also Attachment 1.2.m, email from Sanjiv Mukherjee to Ambassador Abdulkadir Sheikhey Al-Hatimi dated 1 September 2009 and, Attachment 1.2.n, email exchange between Sharif Ahmed and Sanjiv Mukherjee dated 23 December 2009.

[114] Interview with Sharif Ahmed Ba'alawi, Dubai, 27 November 2011.

[115] Interview with Sanjivan Mukherjee, Nairobi, 21 December 2011.

[116] See Attachment 1.2.o, E-Passport and National Identification Card Project Contract Between the Transitional Federal Government of the Somali Republic and Mondial Technology Information. MTI is a Commercial Sole Proprietorship Est. registered in Dubai, UAE. The registration date is 11/08/2010 and the Dubai Chamber of Commerce & Industry License Number is 643165. The only registered shareholder is Mr. Fahd Abdulaziz Fahd Ali Shuhail AlFahtani (See Attachment 1.2.p, Mondial Technology Information company profile Dubai Chamber of Commerce & Industry).

[117] Interviews with Sharif Ahmed Ba'alawi, Dubai, 27 November 2011 and, Kamal Prabu, the System Analyst at MTI, Dubai, 26 November 2011. By law, it is only UAE nationals and nationals of GCC countries (subject to certain conditions) who are permitted to form a Sole Proprietorship in Dubai. "However, in recent years, a practice has evolved whereby a UAE national obtains a license for an establishment and leases it to an expatriate(s) for an annual fee", Helene Mathieu Legal Consultant, UAE, accessed online on 13 May 2012 http://www.hmlc.ae/business_set_up_establishment.html.

[118] See Attachment 1.2.q, letter from former TFG PM Omar A. A. Sharmarke to JSL dated 23 June 2010.

[119] Interview with Sanjivan Mukherjee, Nairobi, 21 December 2011.

[120] Interview with Ambassador Abdulkadir Sheikhey Al-Hatimi, Dubai, 22 November 2011.

[121] The consignment included 248 Somali diplomatic passports, 250 Somali passport travel documents, 250 Somali service passports, 300 Somali government ID cards, 246 ordinary Somali passports and 14,000 blank Somali ID cards, Brian Otieno, "Somali government disowns illegal passports consignment", The Star Newspaper, 23 November 2011, accessed online on 13 May 2012, http://www.the-star.co.ke/national/national/50541-somali-government-disowns-illegal-passports-consignment.

27. On 1 July 2010, PM Sharmarke sent a letter to MTI retroactively acknowledging the contract terms signed on 1 April 2010 and authorizing the commencement of the E-passport and National Identification Card Project.[122] The PM claimed that he had not been aware of prior negotiations, nor of the ownership of MTI, which says he believed to be an East European company.[123] Sharif Ahmed, however, has told the Monitoring Group that the PM and the President had been aware of his involvement in the new contract even before the official signature.[124]

Cases of Fraud and corruption

Misappropriation of funds

28. An SEMG investigation has determined that at least US$1,406,725 in revenue generated by the ePassport and National Identity Card Project with MTI was not accounted for in official TFG financial records for the period 2010 - 2011. According to official financial statements prepared by the Office of the Accountant General, the Directorate of Immigration and Naturalization reported a total income of only US$935,000.00 for FY2011,[125] and did not report any income between 2007 and 2010.[126] However, according to MTI billing account, the TFG generated an income of at least US$2,341,725 from the 'ePassport and National Identity Card Project' between July 2010 and 31 December 2011.[127]

29. The unaccounted for sum of US$1,406,725 represents approximately 6 per cent of total TFG domestic revenue in 2011 (US$24,102,860) and 3.3 per cent of total TFG domestic revenue (US$42,786,816) in the period 2010 - 2011.[128]

30. In March 2012, the Director of Immigration and Naturalization told the Monitoring Group that the TFG currently charges US$80 for an adult passport produced inside Somalia and US$100 for a passport produced outside Somalia. The cost of a child's passport (less than 18 years old) is US$40. The table below describes how these charges are divided between various parties.

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[122] See Attachment 1.2.r, letter from former TFG PM Omar A. Sharmarke to MTI dated 01 July 2010.

[123] Interview with PM Omar Abdirashid Ali Sharmarke, Dubai, 24 January 2012.

[124] Interview with Sharif Ahmed Ba'alawi, Dubai, 23 March 2012.

[125] See Attachment 1.2.s, TFG Accountant General annual financial report 2011-2012, a total of US$305,000.00 was accounted for from January to July 2011 and, a total of US$630,000.00 was reported from August to December 2011.

[126] Interview with Mohamed Rashid, TFG Accountant General, Nairobi, 9 May 2012.

[127] See Attachment 1.2.t, MTI invoice summary statement for government revenue, Period: July 2010 to 31 December, 2011.

[128] See Attachment 1.2.u, according to the TFG Accountant General yearly financial report 2010, the TFG domestic income in 2010 amounts to US$18,683,956.00. And, the unknown income of US$11,061,700 (suspected to be from external revenue) has been deducted from the total domestic income of US$35,164,560 (see Annex 1.1 para 27).

Table: Breakdown of ePassport and national identity card fees in U.S. Dollars[129]

Breakdown of ePassport and ID card fees	Adult Outside Somalia	Adult Inside Somalia	Child Outside Somalia	Child Inside Somalia
MTI	35	35	20	20
TFG	35	35	5	10
Directorate of Immigration	10	10	5	10
Embassy	20		10	
Total in USD	**100**	**80**	**40**	**40**

31. The above-mentioned figures do not take into account all "online application fees": only fees paid for "online applications" via embassies are reported in MTI statements; MTI does not report "online applications" processed through agents.[130] For example, "online applications" processed through the Immigration Resource Centre Travel Services (IRCTS) in Minneapolis (U.S.A.), which charges US$350 per passport application,[131] are accounted for neither in TFG accounts nor in MTI statements provided to the TFG.[132] The breakdown of IRCTS revenues is as follow:

i) US$195 to US$220 per application transferred through Money Transfer Companies (mainly Dahabshiil) to the embassy in Abu Dhabi or Consulate in Dubai;[133]

ii) US$70 to US$90 per application paid to shipping companies such as DHL; fees vary according to location and expedite services;

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[129] Interviews with General Gaafow, Mogadishu, 15 March 2012 and Interviews with current TFG officials with close knowledge of the passport project, Nairobi, May 2012.

[130] See Attachment 1.2.v., according to MTI income statement for the period July 2010 to 31 December 2011, the embassies of Abu Dhabi, Muscat, Kuwait and Khartoum are the only ones that used the online application process. Also, see Attachment 1.2.w, Abu Dhabi, Muscat, Kuwait and Khartoum embassies account statements for government revenue, period: July 2010 to 31 December 2011 where the quantities and income of passports processed through "online" applications are not reported. Noteworthy that MTI income from July 2010 to 31 December, 2011 is US$2,634,775.00.

[131] Immigration Resource Center Travel Services website: http://www.ircoffice.com/passports.html. Interview with Lt. Col. Abdi Yusuf Jibril, Minneapolis, 27 January 2012. And, phone interviews with a Somali citizen residing in Minneapolis and, who knows the Immigration Resource Centre's manager, 10 May 2012 as well as Abdulahi Hersi, owner of the IRCTS, 30 May 2012.

[132] See Attachment 1.2.t, MTI invoice summary statement for government revenue, period: July 2010 to 31 December 2011 and, see Attachment 1.2.v, MTI income statement for the period July 2010 to 31 December, 2011.

[133] In an email communication with the SEMG dated 30 May 2012, Hersi claimed that the Dubai Consulate always charged US$220 and the Somali embassy in Abu Dhabi charged at the beginning US$195 but increased it to US$220. He preferred dealing with Abu Dhabi because they had better performance in terms of professionalism and time delivery. The centre pays also for all Hawala fees, phone interview with Mr. Abdullahi Hersi (owner of IRCTS), 30 May 2012.

iii) US$40 to US$85 IRCTS business income.[134]

32. Since "online applications" are mainly processed by MTI through the Consulate in Dubai, revenues generated this way appear to be absorbed in part between agents and MTI, with the lion's share going to the TFG's Dubai Consulate. Evidently, when the TFG assigned full authority for "online applications" to Consul General Sheikhey, it forfeited effective oversight of "online" procedures and transactions. IRCTS owner Abdullahi Hersi noted that although he was officially awarded the contract to process passport applications in the U.S.A., he has since "realized that both Abu Dhabi [embassy] and Dubai consulate are receiving ePassport applications from around the globe and from virtually all states and cities in the U.S.A.." He concluded: "the contract was not enforced because these overseas embassies and Mogadishu were all issuing [passports] to whoever pays them."[135] In fact, the SEMG has learned in May 2012 that a limited number of individuals had started to directly process "online" applications through the new production centre in Mogadishu.[136] Hersi mentioned that at the end of 2010, Sheikhey informed him that the TFG had decided to terminate its contract with IRCTS and signed a new one with a company in Ohio (U.S.A.), that Hersi suspects is headed by an associate of Sheikhey.[137] Sheikhey denied working with agents and emphasized that he is not familiar with IRCTS.[138]

33. Finally, despite having generated approximately US$1,231,931 from the ePassports and ID card project with JSL, the Directorate of Immigration and Naturalization failed to report any income from that phase of the project.[139] In fact, prior to January 2009, JSL processed a total of 17,681 ordinary passports: 6,604 passports outside Somalia and, 11,077 inside Somalia.[140] As noted in para 5 above, JSL was charging a fee of US$49 per ordinary passport for all passport applications. Thus, the TFG generated a total of US$1,231,931 from the contract with JTS; US$667,004 were generated from ePassport applications processed outside Somalia and, US$564,927 were generated from ePassport applications inside Somalia. And, the TFG has set a fee of US$150 per ordinary passport and electronic national identity card for Somalis residing outside Somalia and, US$100 for Somalis residing within Somalia. Although most passports were issued together with identity cards, this was not always the case, and the Monitoring Group has been unable to determine how many identity cards were actually issued.

34. As a footnote to the corruption that pervaded this project, Sharif Hassan (then Minister of Finance) and General Gaafow used their authority to withdraw the US$400,000 surplus from the

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[134] Phone interview with Mr. Abdullahi Hersi (owner of IRCTS), 30 May 2012. Mr. Hersi was appointed by General Darawiish in 2007 as the "immigration representative" in the US. At that time, the TFG was planning to open enrolment centers in the US and Europe to serve the Somali community. Interview with General Darawiish, Nairobi, 29 May 2012.

[135] Email from Abdullahi Hersi to the SEMG dated 30 May 2012.

[136] General Gaafow informed the Monitoring Group that MTI has installed a second production centre in Mogadishu in 2011. Interview with General Gaafow, Dubai, 25 March 2012.

[137] Email from Abdullahi Hersi to the SEMG dated 30 May 2012.

[138] Phone interview with Ambassador Sheikhey on 24 May 2012.

[139] Interview with Mohamed Rashid, TFG Accountant General, Nairobi, 9 May 2012.

[140] See Attachment 1.2.d, Accounts for Somalia EPNID project sent to General Gaafow on 13 January 2009.

accounts of the Somali embassy in Ethiopia generated from passport applications; they did not report the transaction to the office of the Accountant General.[141]

Absence of competitive bidding

35. The Somali 'National ePassport and National Identification Card Project' is a prime example of how senior TFG officials deliberately avoid transparent competitive bidding procedures in order to transform core state functions into lucrative business opportunities for themselves and their cronies in the private sector. In this case, Sharif Hassan Adan, then Deputy PM and Minister of Finance, General Gaafow, the Director of Immigration and Naturalization and, Ambassador Sheikhey, the Consul General in Dubai acting with the tacit agreement of other TFG officials, including then Prime Minister Sharmarke and the President Sheikh Sharif, conspired to award the ePassport and identification card project to Sharif Ahmed Ba'alawi and MTI. Several TFG officials and Dubai-based Somali businessmen with close knowledge to the project have told the Monitoring Group that all the officials involved in the project have a share in Mondial Technology Information:[142] namely Sharif Hassan, Abdulqadir Sheikhey, and, Abdillahi Gaafow.

36. Sharif Ahmed was acquainted with the ePassport project and had expressed an interest in the contract as early as 2006, when he suggested to TFG President Abdullahi Yusuf Ahmed and PM Geedi that he could produce new passports for only US$10 per passport. He convinced the late President that if the TFG sold the passport for US$100, and an estimated one million Somalis ordered passports in the first few years, the TFG would generate around US$90 million in revenues.[143] According to Sharif Ahmed, PM Geedi responded with a counter proposal that the TFG invoice US$12 per passport instead of US$10, and that the difference of US$2 per passport be paid into a separate bank account owned by Geedi.[144] Since Sharif Ahmed claims that he accepted PM Geedi's proposal, he was later surprised to learn that the TFG had awarded the contract to JSL instead. Former PM Geedi denied having such a conversation with Sharif Ahmed and stated that he never discussed the technicalities nor negotiated the contract terms with Sharif Ahmed Ba'alawi. In an interview with the SEMG, the former PM added: "Why should I negotiate or ask for such money if I was in charge of the TFG account? [...] Passport fees would have been paid to a TFG owned account under my authority."[145]

37. With regard to the award of the passport contract to JSL, Geedi and Darawiish told the Monitoring Group that they had studied JSL's project proposal in 2005 and did not "have any other practical proposal at that time."[146] Geedi added that the Government of Oman offered to fund the ePassport project, but that it was just a discussion and that although he had sent Hassan Ahmed Jaama (Deputy Minister of Foreign Affairs and International Cooperation) to Oman to follow up with the

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[141] See Section 16, and Interview with Mohamed Rashid, TFG Accountant General, Nairobi, 9 May 2012.

[142] Interviews with TFG officials and Dubai based Somali businessmen, Dubai and Nairobi, November and December 2011 as well as February and March 2012.

[143] Interviews with Sharif Ahmed Ba'alawi, Dubai, 27 November 2011.

[144] Interviews with Sharif Ahmed Ba'alawi, Dubai, 27 November 2011.

[145] Interview with Former PM Geedi, Nairobi, 26 May 2012.

[146] Interviews with former PM Geedi and General Mohamed Farah "Darawiish", Nairobi, 29 May 2012.

authorities, nothing had been formalized. The former PM also claimed that he asked an immigration officer, Abdi Hassan "Hijar", to check the profile of the company introduced by Sharif Ahmed; the officer reported later that the company was questionable and that the PM should not sign an agreement with them."[147] Finally, the former PM added that Sharif Ahmed had tried to influence the TFG's decision-making by bringing two associates when he approached the TFG; Abdullahi Omar "Bootaan" a close relative of President Yusuf, and Engineer "Alow", a close relative of the PM.[148]

38. Long before the termination of the TFG's contract with JSL, Sharif Ahmed and senior government officials began conspiring to replace JSL as the primary contractor. In early 2008, a TFG official suggested that Sharif Ahmed invest in the project; together with Ambassador Sheikhey, Sharif Ahmed began to approach members of the Somali business community in Dubai with a view to raising a total of US$2 million to invest in the ePassport and national identity card project.[149] Meanwhile, Ambassador Sheikhey was awarded full "coordinator role" over the project: one of the key factors that led to disagreements with JSL and the termination of the contract.

39. Even before the contract with JSL had been terminated, Finance Minister Sharif Hassan Aden and General Abdullahi Gaafow signed the contract with MTI, on behalf of the TFG. Former TFG PM Sharmarke told the SEMG that the Council of Ministers had discussed the new contract, and that he was aware of MTI's link to Sharif Ahmed -- despite having previously denied it (see paragraph 27 above). He stated that he believed at that time that Sharif Ahmed was still involved with JSL, providing logistical support to the project (see para 12 above). The PM evaluated that the new agreement with MTI would not adversely affect the project since Sharif Ahmed was already in charge of logistics; only the technology provider would change. He said he thought that MTI was engaging an Eastern European owned company.[150] General Gaafow subsequently told the Monitoring Group that the Minister of Finance asked him to sign the agreement, and that he "did not know MTI and had never met with them before signing the agreement."[151] Nevertheless, he claimed that he knew the project would be better off with MTI, even though the TFG had conducted no prior evaluation of either company.[152] The Monitoring Group has since been unable to obtain any project proposal or technical assessment from either MTI or the TFG regarding the project.

40. Sharif Ahmed, current Chairman of the Somali Business Council in Dubai, played a key role not only in the ePassport project, but also in the award of other contracts by the TFG. He makes no secret of his close relationships with certain TFG officials, notably Sharif Hassan, with whom he is alleged to share several business partnerships in the U.A.E.[153] Sharif Ahmed has also admitted to the MG that

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[147] General Hijar is currently the military attaché to the Somali embassy in Saudi Arabia. He is a member of the Darod/Harti/Dulbahante clan. The Interviews with former PM Geedi and General Mohamed Farah "Darawiish", Nairobi, 29 May 2012.

[148] Interview with former PM Geedi, Nairobi, 26 May 2012.

[149] Interview with a Dubai based Somali businessmen who was asked to invest in the project, Dubai, 29 February 2012.

[150] Interview with PM Omar Abdirashid Ali Sharmarke, Nairobi, 7 June 2012.

[151] Interview with General Gaafow, Dubai, 25 March 2012.

[152] Interview with General Gaafow, Dubai, 25 March 2012 Gaafow.

[153] Interviews with TFG officials and Somali businessmen based in the UAE with close knowledge of Sharif Ahmed Ba'alawi businesses, Nairobi and Dubai, November and December 2012.

in the past he had bribed TFG officials to obtain contracts (although he claims not to have paid a bribe to have won the MTI contract).[154]

41. In sum, the cartel-style arrangements under which the ePassport contract has been handled are illustrative of 'business as usual' within the TFG, notably the brazen collusion of senior officials and their business counterparts for the purpose of personal profit without even nominal reference to basic principles of tendering such as transparency, competition, quality or conflict of interest.

Mismanagement and corruption at the embassy level

42. The Director of Immigration and Naturalization informed the SEMG that embassies charge only US$100 per passport, as per his instructions.[155] However, the Monitoring Group has confirmed that embassies routinely charge between US$100 and US$350 per passport. Any income over US$100 is not reported to Mogadishu and, the Accountant General confirmed to the SEMG that he has never received any financial income statements from embassies.[156]

43. According to MTI financial statements, a total of 23,310 adult passport applications were processed via embassies between July 2010 and 31 December 2011.[157] As embassies officially generate US$20 per application (see the table above), they should have reported a combined income of at least US$466,200 during that period. TFG financial statements from 2007 to 2011, prepared by the Accountant General, do not report any income from embassies abroad.

Extortions, bribes and intimidation

44. On 8 December 2006, less than two months after signature of the contract, JSL received a letter from General Gaafow claiming that his office was concerned about the "delay of the release of advance payment of US$2.5 million upon the start of the project."[158] According to Geedi, Darawiish and Sanjivan, the US$2.5 Million had never been discussed or agreed to, either before or after the signature of the contract.[159] Geedi and Darawiish both claimed not to have been aware about Gaafow's request and, Geedi described it as an "act of intimidation."[160] Mr. Sanjivan also interpreted this surprise request as an attempt at intimidation and coercion, and was especially concerned that it took place so early in the project's development.[161] In addition, both Geedi and Darawiish claimed

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[154] Interview with Sharif Ahmed Ba'alawi, Dubai, 26 March 2012.

[155] Interview with General Gaafow, Mogadishu, 15 March 2012.

[156] Interview with Mohamed Rashid, TFG Accountant General, Nairobi, 9 May 2012.

[157] See Attachment 1.2.v, MTI income statement for the period July 2010 to 31 December, 2011.

[158] See Attachment 1.2.x, letter from General Gaafow to JSL dated 8 December 2006, and its response by JSL dated 9 December 2006.

[159] Interviews with PM Geedi, General Darawiish and Sanjiv Mukherjee, Nairobi, 29 May 2012.

[160] Interviews with PM Geedi, Nairobi, 26 May 2012, and General Darawiish, Nairobi, 29 May 2012.

[161] See Attachment 1.2.x, and Attachment 1.2.b, letters from JSL to General Gaafow dated 9 December 2006 and 27 December 2006. Interview with Sanjivan Mukherjee, Nairobi, 21 December 2010.

that they were not aware of the US$211,000 "loan" advanced by Sanjivan to Gaafow (see para. 7 above) and Hassan Jaama, and suspect that this money was never used for government expenses.[162]

45. The Monitoring Group has also obtained evidence showing that General Gaafow asked Mr. Mukherjee for a "personal loan" in order to continue the collaboration between them.[163] According to Mr. Mukherjee, his understanding was that the US$250,000 "loan" would have never been repaid and that "the General simply wanted to take more money from JSL."[164] Gaafow denied having any private conversations with Sanjivan; he also denied sending him an email requesting a loan, despite evidence to the contrary obtained by the SEMG.[165]

Implications for local, regional and international security

46. The hijacking of the 'ePassport and National Identification Card' project by a cartel of corrupt TFG officials and unscrupulous businessmen means that passport production has not only been transformed into a money-making venture, but also one characterized by the total lack of regulatory control, declining standards and outright fraud. Successive decisions by the TFG officials concerned, particularly the delegation of authority for "online applications" to the Dubai Consulate and the dismantling of any centralized supervision of the process, have so gravely compromised the legitimacy and authenticity of the ePassport that it soon risks being of little more use to ordinary Somalis than the discredited green passport of the Barre era.

47. The lack of serious regulatory controls on its issuance combined with the removal of the mandatory fingerprints, has essentially degraded the new Somalia travel document to the status of a commodity to be bought, sold, bartered or traded.

48. The Monitoring Group has confirmed that passports have routinely been issued in false names or with other deliberately falsified data, sometimes at the behest of senior TFG officials. The Monitoring Group has obtained evidence of a Somali citizen holding two passports with different identifying information, such as names, mother's name, date of birth, and place of birth.[166] Somali diplomats and personnel working at enrolment centres abroad have told the SEMG that this case is far from unique. On the contrary, General Gaafow's decision to close the Nairobi based 'approval centre', which had been established to monitor all irregularities and fraud, appears to have been intended to enable such practices. General Gaafow justified the closure of the 'approval centre' to another TFG official on the grounds that it would "facilitate and accelerate the production process."[167]

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[162] Interviews with PM Geedi, Nairobi, 26 May 2012, and General Darawiish, Nairobi, 29 May 2012.

[163] See Attachment 1.2.y, email exchanges between General Gaafow and JSL dated 16 October 2009. Gaafow did not mention the amount by email but Sanjivan told the SEMG that, in a prior conversation, Gaafow has asked for US$250.000; interview with Sanjivan Mukherjee, Nairobi, 29 May 2012.

[164] Interview with Sanjivan Mukherjee, Nairobi, 21 December 2010.

[165] Interview with General Gaafow, Dubai, 25 March 2012.

[166] See Attachment 1.2.z, Passports of Bintow Ibrahim Mudey (passport number: P00088868) and Amina Hassan Kulmiye (passport number P00172590). Both passports were issued by MTI.

[167] The approval centre was then closed in late 2009. Interview with a TFG Official, Nairobi, 19 March 2012.

49. In some cases, TFG officials have been known to intervene with passport offices in order to pressure them to issue Service or Diplomatic passports to non-diplomats or non-officials, even if the enrolment staffs have rejected the initial application.[168]

50. On 24 March 2011, on the instructions of TFG President Sheikh Sharif, two honorary diplomatic passports were issued to Ahmed Ali Jumale (also spelled Jimale and Jim'ale) in defiance of sanctions imposed by the UN Security Council, including a travel ban.[169] One of the passports (number D00002847) is valid until 24 March 2016, and the MG has confirmed that Mr. Jim'ale travelled to Turkey with the Somali president in mid-August 2011.[170]

51. By bribing TFG officials, non-Somali citizens have also been able to obtain Somali passports, both inside and outside Somalia, with false identity information. In one such case, the Monitoring Group has learned of a non-Somali citizen carrying a Somali passport issued by the TFG and who claimed to be Somali, but could neither speak Somali nor identify sub-clans located in the region where he claimed to be from.[171] In that particular case, TFG officials in Mogadishu gave instructions to grant a Somali passport to someone they believed to be Sudanese, over the objections of officials at the Somali embassy in Nairobi. Two TFG officials have independently told the Monitoring Group that interventions by influential Somali and Kenyan political figures (one of whom is cited in the Monitoring Group's July 2011 report for involvement in cross-border contraband activities), had been instrumental in persuading the TFG to grant a Somali passport to this individual.[172]

52. Even more troubling is the prospect that members of Al-Shabaab or other extremist groups might be able to obtain falsified travel documents, either because of lax security procedures or through the intervention of corrupt TFG officials. Several TFG officials have told the SEMG that leaders and fighters of Al-Shabaab have already obtained Somali passports from Mogadishu[173] a former Somali immigration official alleged that Al-Shabaab spokesman, Ali Mohamud Raghe (Ali Dheere), is in possession of three Somali passports, two diplomatic and one private.[174] Although the Monitoring Group has been unable to verify this claim, the pervasiveness of fraud within the passport issuance process means that the possibility of Al-Shabaab figures obtaining falsified Somali travel documents cannot easily be dismissed.

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[168] Interviews with Somali Officials, Nairobi, 8 May 2012.

[169] Interview with General Gaafow, Dubai, 25 March 2012.

[170] The other passport (number D00002739) was cancelled at the request of General Gaafow. Interview with a TFG official, June 2012.

[171] Normal procedures established in 2006 require that the staff at enrolment centre question the applicant in order to confirm his Somali identity. They normally ask him questions related to his family, clan and Somali areas where he claimed to have been born or lived. They could also ask him to bring elders who can testify and swear on the Holy book that the applicant is Somali. Interview with General Gaafow, Dubai, 25 March 2012 and with official staffs at enrolment centers abroad, March and April 2012.

[172] Interviews with current TFG officials with close knowledge of the passport project, Nairobi. April 2012 and, MG report S/2011/433, paras 76-78.

[173] Interview with a former and current TFG officials with close knowledge of the passport project, Nairobi, April 2012.

[174] Interview with Lt. Col. Abdi Yusuf Jibril, Minneapolis, 27 January 2012.

Privacy and information security

53. Lastly, the Monitoring Group has serious concerns about the poor information security environment within which personal data relating to passport applications is stored. Despite assurances given by the Director of Immigration and Naturalization about the protection of the passport data, the Monitoring Group had little trouble obtaining access to a database containing confidential information about every passport processed inside Somalia and in some embassies abroad.[175]

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[175] Interview with General Gaafow, Dubai, 25 March 2012.

Annex 1.2.a.: E-Passport and national identification card project contract between the Transitional Federal Government of the Somali Republic and Just Solution Limited dated 19 October 2006

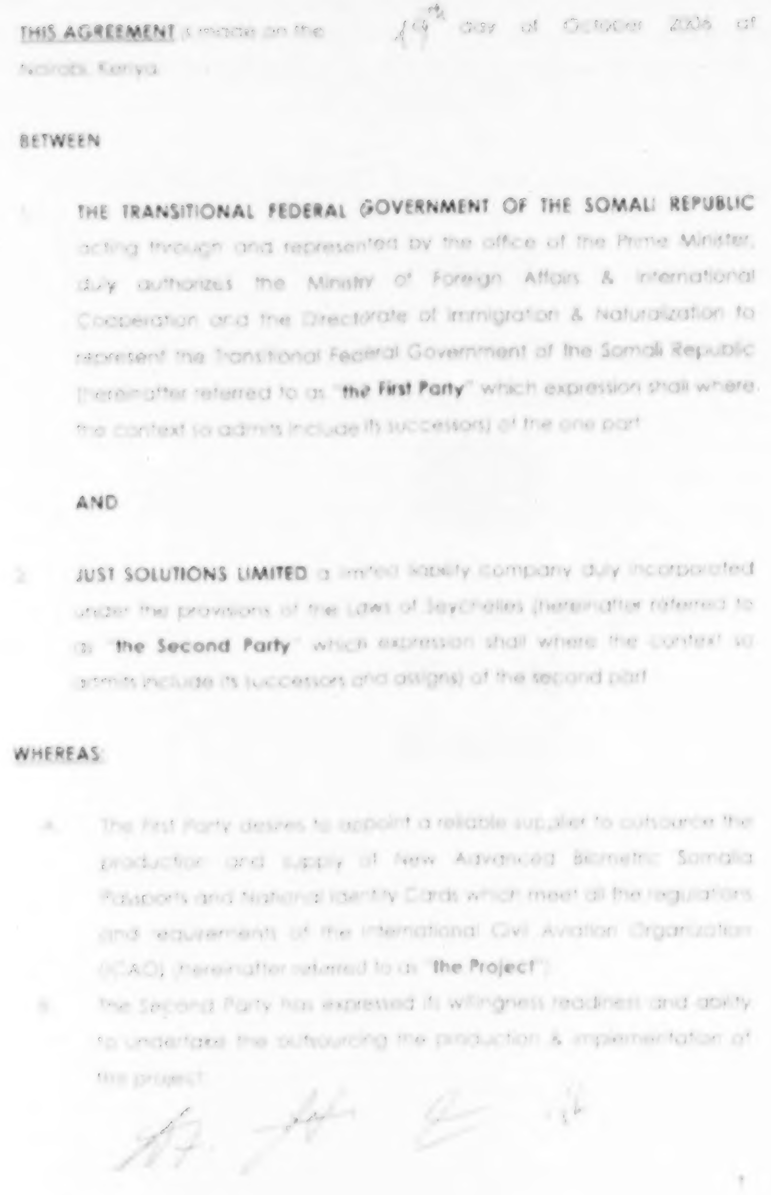
E-Passport
&
National Identification Card Project Contract

Between

The Transitional Federal Government of the
Somali Republic

&
Just Solutions Limited

Just
Solutions Ltd.



THIS AGREEMENT is made on the 19th day of October 2006 at Nairobi, Kenya.

BETWEEN

1. **THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC** acting through and represented by the office of the Prime Minister, duly authorizes the Ministry of Foreign Affairs & International Cooperation and the Directorate of Immigration & Naturalization to represent the Transitional Federal Government of the Somali Republic (hereinafter referred to as "**the First Party**" which expression shall where the context so admits include its successors) of the one part

AND

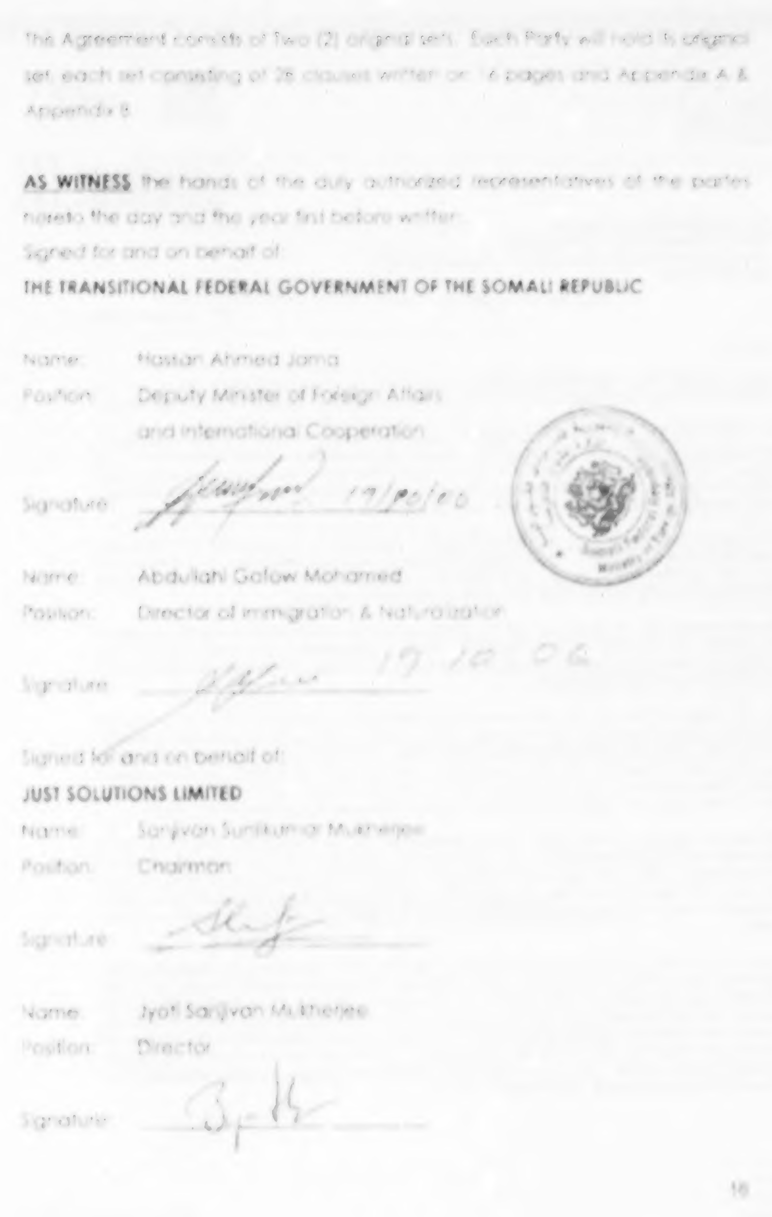
2. **JUST SOLUTIONS LIMITED** a limited liability company duly incorporated under the provisions of the Laws of Seychelles (hereinafter referred to as "**the Second Party**" which expression shall where the context so admits include its successors and assigns) of the second part

WHEREAS:

A. The First Party desires to appoint a reliable supplier to outsource the production and supply of New Advanced Biometric Somalia Passports and National Identity Cards which meet all the regulations and requirements of the International Civil Aviation Organization (ICAO) (hereinafter referred to as "**the Project**").

B. The Second Party has expressed its willingness readiness and ability to undertake the outsourcing the production & implementation of the project.

1



The Agreement consists of Two (2) original sets. Each Party will hold its original set, each set consisting of 26 clauses written on 16 pages and Appendix A & Appendix B.

AS WITNESS the hands of the duly authorized representatives of the parties hereto the day and the year first before written:

Signed for and on behalf of:

THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC

Name: Hassan Ahmed Jama

Position: Deputy Minister of Foreign Affairs and International Cooperation

Signature: 19/10/06

Name: Abdullahi Gafow Mohamed

Position: Director of Immigration & Naturalization

Signature: 19.10.06

Signed for and on behalf of:

JUST SOLUTIONS LIMITED

Name: Sanjivan Sunilkumar Mukherjee

Position: Chairman

Signature:

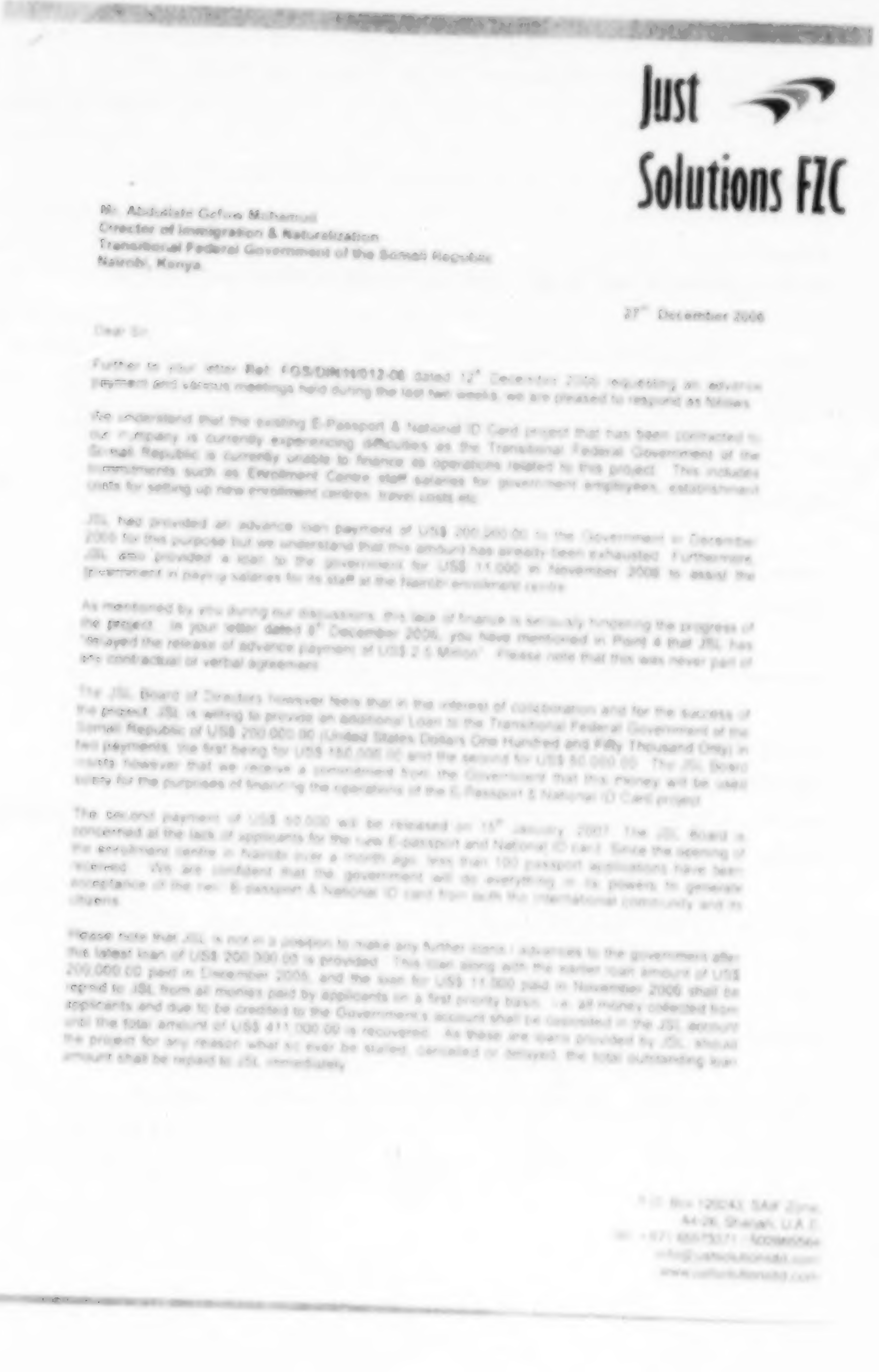
Name: Jyoti Sanjivan Mukherjee

Position: Director

Signature:

16

Annex 1.2.b.: Letter from JSL to General Gaafow dated 27 December 2006



Just Solutions FZC

Mr. Abdulahi Gafow Mohamud
Director of Immigration & Naturalization
Transitional Federal Government of the Somali Republic
Nairobi, Kenya

27th December 2006

Dear Sir,

Further to your letter **Ref. FGS/DIN/10/012-06** dated 12th December 2006 requesting an advance payment and various meetings held during the last two weeks, we are pleased to respond as follows:

We understand that the existing E-Passport & National ID Card project that has been contracted to our company is currently experiencing difficulties as the Transitional Federal Government of the Somali Republic is currently unable to finance its operations related to this project. This includes commitments such as Enrolment Centre staff salaries for government employees, establishment costs for setting up new enrolment centres, travel costs etc.

JSL had provided an advance loan payment of US$ 200,000.00 to the Government in December 2005 for this purpose but we understand that this amount has already been exhausted. Furthermore, JSL also provided a loan to the government for US$ 11,000 in November 2006 to assist the government in paying salaries for its staff at the Nairobi enrolment centre.

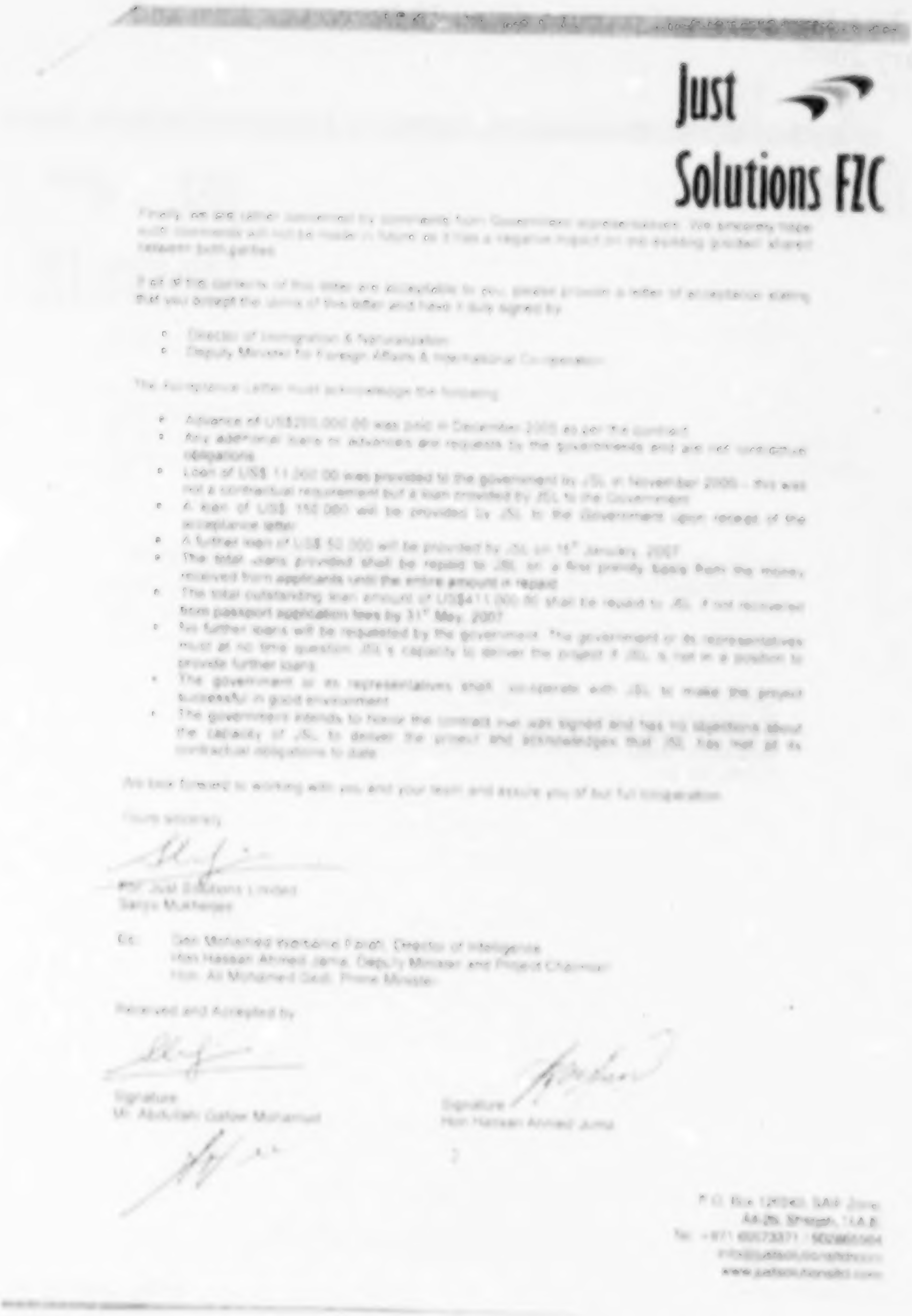
As mentioned by you during our discussions, this lack of finance is seriously hampering the progress of the project. In your letter dated 9th December 2006, you have mentioned in Point 4 that JSL has "delayed the release of advance payment of US$ 2.5 Million". Please note that this was never part of any contractual or verbal agreement.

The JSL Board of Directors however feels that in the interest of collaboration and for the success of the project, JSL is willing to provide an additional Loan to the Transitional Federal Government of the Somali Republic of US$ 200,000.00 (United States Dollars One Hundred and Fifty Thousand Only) in two payments, the first being for US$ 150,000.00 and the second for US$ 50,000.00. The JSL Board insists however that we receive a commitment from the Government that this money will be used solely for the purposes of financing the operations of the E-Passport & National ID Card project.

The second payment of US$ 50,000 will be released on 15th January 2007. The JSL Board is concerned at the lack of applicants for the new E-passport and National ID card. Since the opening of the enrolment centre in Nairobi over a month ago, less than 100 passport applications have been received. We are confident that the government will do everything in its powers to generate acceptance of the new E-passport & National ID card from both the international community and its citizens.

Please note that JSL is not in a position to make any further loans / advances to the government after the latest loan of US$ 200,000.00 is provided. This loan along with the earlier loan amount of US$ 200,000.00 paid in December 2005, and the loan for US$ 11,000 paid in November 2006 shall be repaid to JSL from all monies paid by applicants on a first priority basis. i.e. all money collected from applicants and due to be credited to the Government's account shall be deposited in the JSL account until the total amount of US$ 411,000.00 is recovered. As these are loans provided by JSL, should the project for any reason what so ever be stalled, cancelled or delayed, the total outstanding loan amount shall be repaid to JSL immediately.

P.O. Box 120243, SAIF Zone,
A4-26, Sharjah, U.A.E.
Tel: +971 [illegible]
info@justsolutionsltd.com
www.justsolutionsltd.com



Just
Solutions FZC

Finally, we are rather concerned by comments from Government representatives. We sincerely hope such comments will not be made in future as it has a negative impact on the working goodwill shared between both parties.

If all of the contents of this letter are acceptable to you, please provide a letter of acceptance stating that you accept the terms of this letter and have it duly signed by:

- Director of Immigration & Naturalization
- Deputy Minister for Foreign Affairs & International Co-operation

The Acceptance Letter must acknowledge the following:

- Advance of US$200,000.00 was paid in December 2005 as per the contract
- Any additional loans or advances are requests by the governments and are not contractual obligations
- Loan of US$ 11,000.00 was provided to the government by JSL in November 2006 – this was not a contractual requirement but a loan provided by JSL to the Government
- A loan of US$ 150,000 will be provided by JSL to the Government upon receipt of the acceptance letter
- A further loan of US$ 50,000 will be provided by JSL on 15th January, 2007
- The total loans provided shall be repaid to JSL on a first priority basis from the money received from applicants until the entire amount is repaid
- The total outstanding loan amount of US$411,000.00 shall be repaid to JSL if not recovered from passport application fees by 31st May, 2007
- No further loans will be requested by the government. The government or its representatives must at no time question JSL's capacity to deliver the project if JSL is not in a position to provide further loans
- The government or its representatives shall co-operate with JSL to make the project successful in good environment
- The government intends to honor the contract that was signed and has no objections about the capacity of JSL to deliver the project and acknowledges that JSL has met all its contractual obligations to date

We look forward to working with you and your team and assure you of our full cooperation.

Yours sincerely,

Per Just Solutions Limited
Sanju Mukherjee

Cc: Gen Mohamed Warsame Farah, Director of Intelligence
Hon Hassan Ahmed Jama, Deputy Minister and Project Chairman
Hon. Ali Mohamed Gedi, Prime Minister

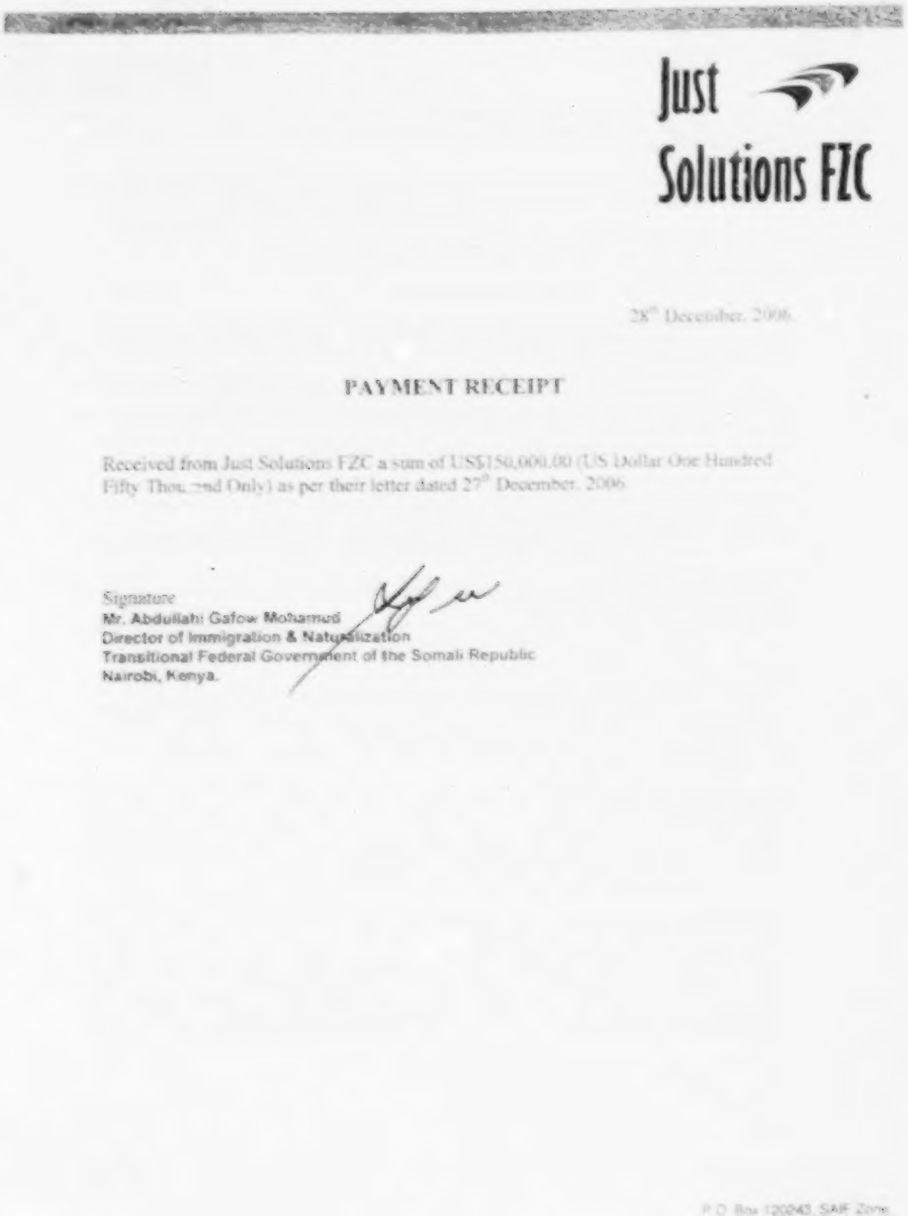
Received and Accepted by

Signature
Mr. Abdullahi Gafow Mohamud

Signature
Hon Hassan Ahmed Juma

P.O. Box 120040, SAIF Zone
A4-29, Sharjah, U.A.E.
Tel: +971 65573371 / 502865904
info@justsolutionsfzc.com
www.justsolutionsfzc.com

Annex 1.2.c.: Two payment receipts dated 28 December 2006 and 8 February 2007



Just Solutions FZC

28th December, 2006.

PAYMENT RECEIPT

Received from Just Solutions FZC a sum of US$150,000.00 (US Dollar One Hundred Fifty Thousand Only) as per their letter dated 27th December, 2006.

Signature
Mr. Abdullahi Gafow Mohamud
Director of Immigration & Naturalization
Transitional Federal Government of the Somali Republic
Nairobi, Kenya.

P.O. Box 120243, SAIF Zone

Just
Solutions FZC

8th February, 2007.

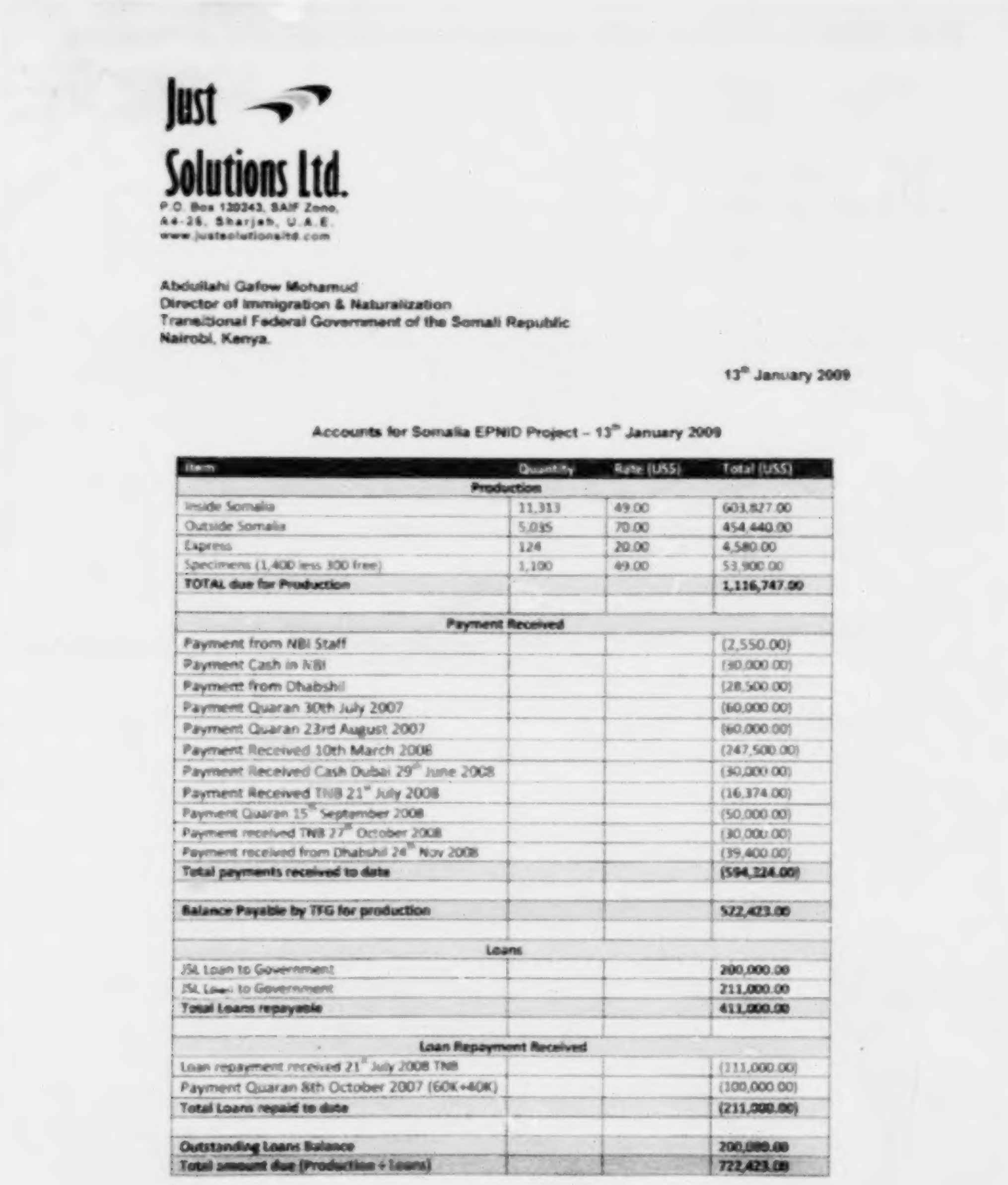
RECEIPT

Received from Just Solutions FZC balance payment of US$200,000.00 as agreed between TFG of Somali and Just Solutions. Paid in Cash US $ 40,500.00 (US Dollars Forty Thousand Five Hundred Only.

Hon Hassan Ahmad Jama
Deputy Minister of Foreign Affairs & International Co-operation
Transitional Federal Government of Somali

P.O. Box 120243, SAIF Zon
A4-26, Sharjah, U.A.
Tel: +971 65573371 / 5028656
info@justsolutionsltd.co
www.justsolutionsltd.co

Annex 1.2.d.: Accounts for Somalia EPNID project, sent to General Gaafow on 13 January 2009



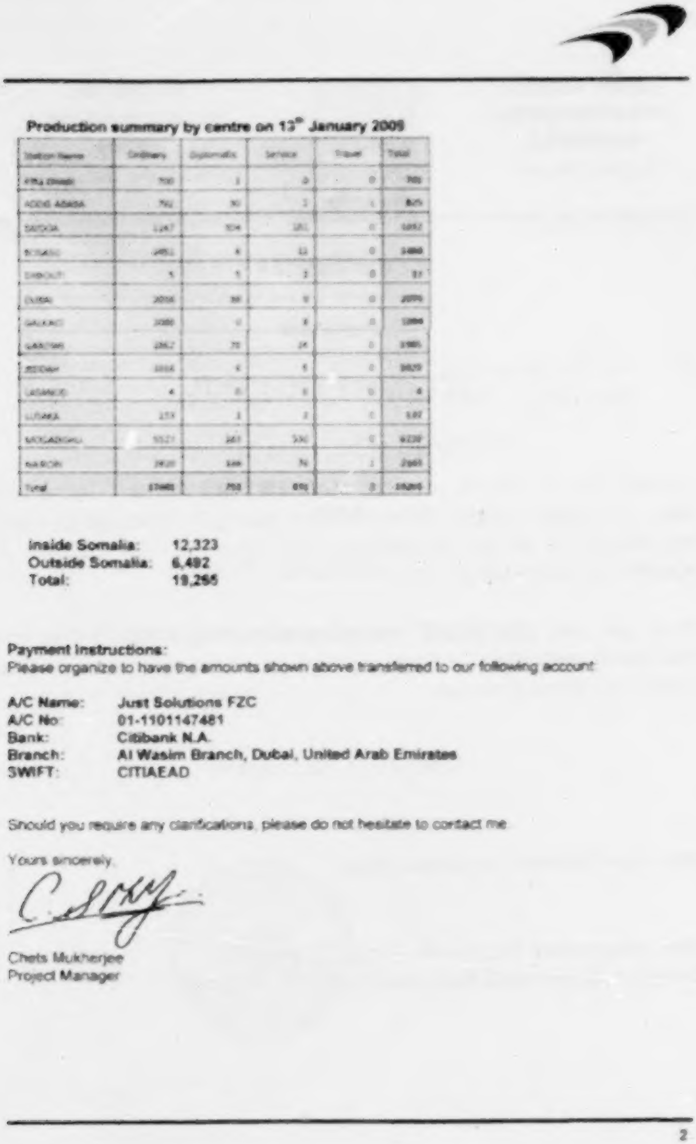
Just Solutions Ltd.
P.O. Box 120243, SAIF Zone,
A4-25, Sharjah, U.A.E.
www.justsolutionsltd.com

Abdullahi Gafow Mohamud
Director of Immigration & Naturalization
Transitional Federal Government of the Somali Republic
Nairobi, Kenya.

13th January 2009

Accounts for Somalia EPNID Project – 13th January 2009

Item	Quantity	Rate (US$)	Total (US$)
Production			
Inside Somalia	11,313	49.00	603,827.00
Outside Somalia	5,035	70.00	454,440.00
Express	124	20.00	4,580.00
Specimens (1,400 less 300 free)	1,100	49.00	53,900.00
TOTAL due for Production			**1,116,747.00**
Payment Received			
Payment from NBI Staff			(2,550.00)
Payment Cash in NBI			(30,000.00)
Payment from Dhabshil			(28,500.00)
Payment Quaran 30th July 2007			(60,000.00)
Payment Quaran 23rd August 2007			(60,000.00)
Payment Received 10th March 2008			(247,500.00)
Payment Received Cash Dubai 29th June 2008			(30,000.00)
Payment Received TNB 21st July 2008			(16,374.00)
Payment Quaran 15th September 2008			(50,000.00)
Payment received TNB 27th October 2008			(30,000.00)
Payment received from Dhabshil 24th Nov 2008			(39,400.00)
Total payments received to date			**(594,324.00)**
Balance Payable by TFG for production			**522,423.00**
Loans			
JSL Loan to Government			**200,000.00**
JSL Loan to Government			**211,000.00**
Total Loans repayable			**411,000.00**
Loan Repayment Received			
Loan repayment received 21st July 2008 TNB			(111,000.00)
Payment Quaran 8th October 2007 (60K+40K)			(100,000.00)
Total Loans repaid to date			**(211,000.00)**
Outstanding Loans Balance			**200,000.00**
Total amount due (Production + Loans)			**722,423.00**



Production summary by centre on 13th January 2009

Station Name	Ordinary	Diplomatic	Service	Travel	Total
ABU DHABI	700	1	0	0	701
ADDIS ABABA	792	30	2	1	825
BAIDOA	1247	104	161	0	1512
BOSASO	[illegible]	6	11	0	[illegible]
DJIBOUTI	5	5	2	0	[illegible]
DUBAI	2016	59	0	0	[illegible]
GALKAYO	[illegible]	0	8	0	[illegible]
GAROWE	[illegible]	70	24	0	[illegible]
JEDDAH	[illegible]	6	5	0	[illegible]
LASANOD	4	0	0	0	4
LUSAKA	[illegible]	2	2	0	[illegible]
MOGADISHU	5521	387	330	0	6238
NAIROBI	[illegible]	[illegible]	[illegible]	1	[illegible]
Total	[illegible]	[illegible]	[illegible]	2	[illegible]

Inside Somalia:	**12,323**
Outside Somalia:	**6,492**
Total:	**19,265**

Payment Instructions:
Please organize to have the amounts shown above transferred to our following account:

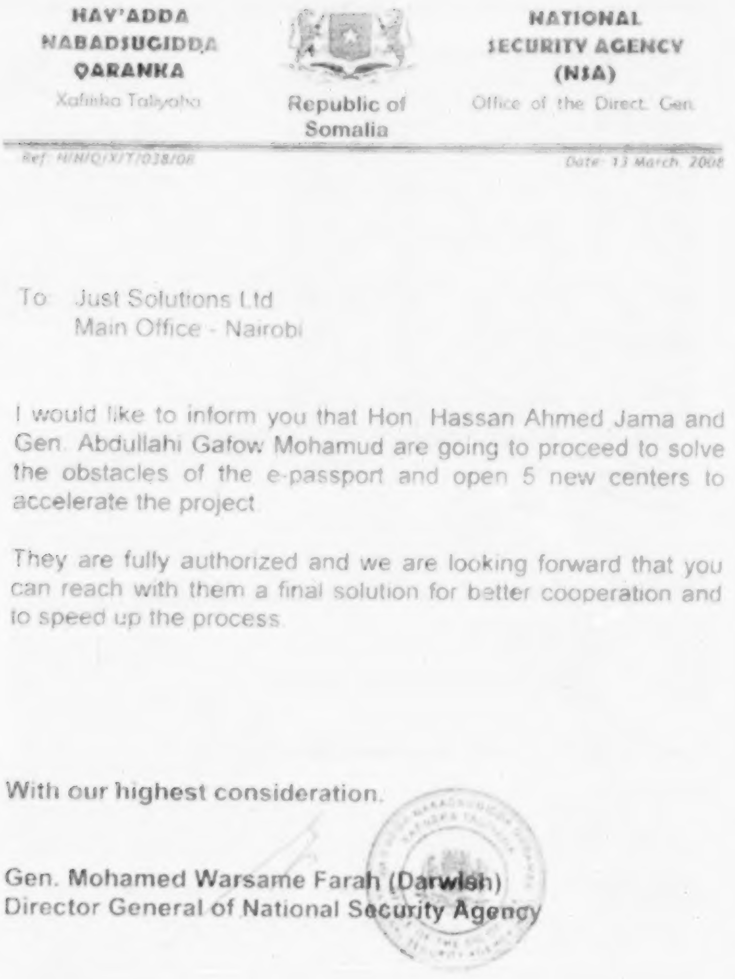
A/C Name:	**Just Solutions FZC**
A/C No:	**01-1101147481**
Bank:	**Citibank N.A.**
Branch:	**Al Wasim Branch, Dubai, United Arab Emirates**
SWIFT:	CITIAEAD

Should you require any clarifications, please do not hesitate to contact me.

Yours sincerely,

Chets Mukherjee
Project Manager

Annex 1.2.e.: Letter from General Darawiish to JSL dated 13 March 2008



HAY'ADDA
NABADSUGIDDA
QARANKA
Xafiiska Taliyaha

Republic of
Somalia

NATIONAL
SECURITY AGENCY
(NSA)
Office of the Direct. Gen.

Ref: H/N/Q/X/T/038/08

Date: 13 March, 2008

To: Just Solutions Ltd
Main Office - Nairobi

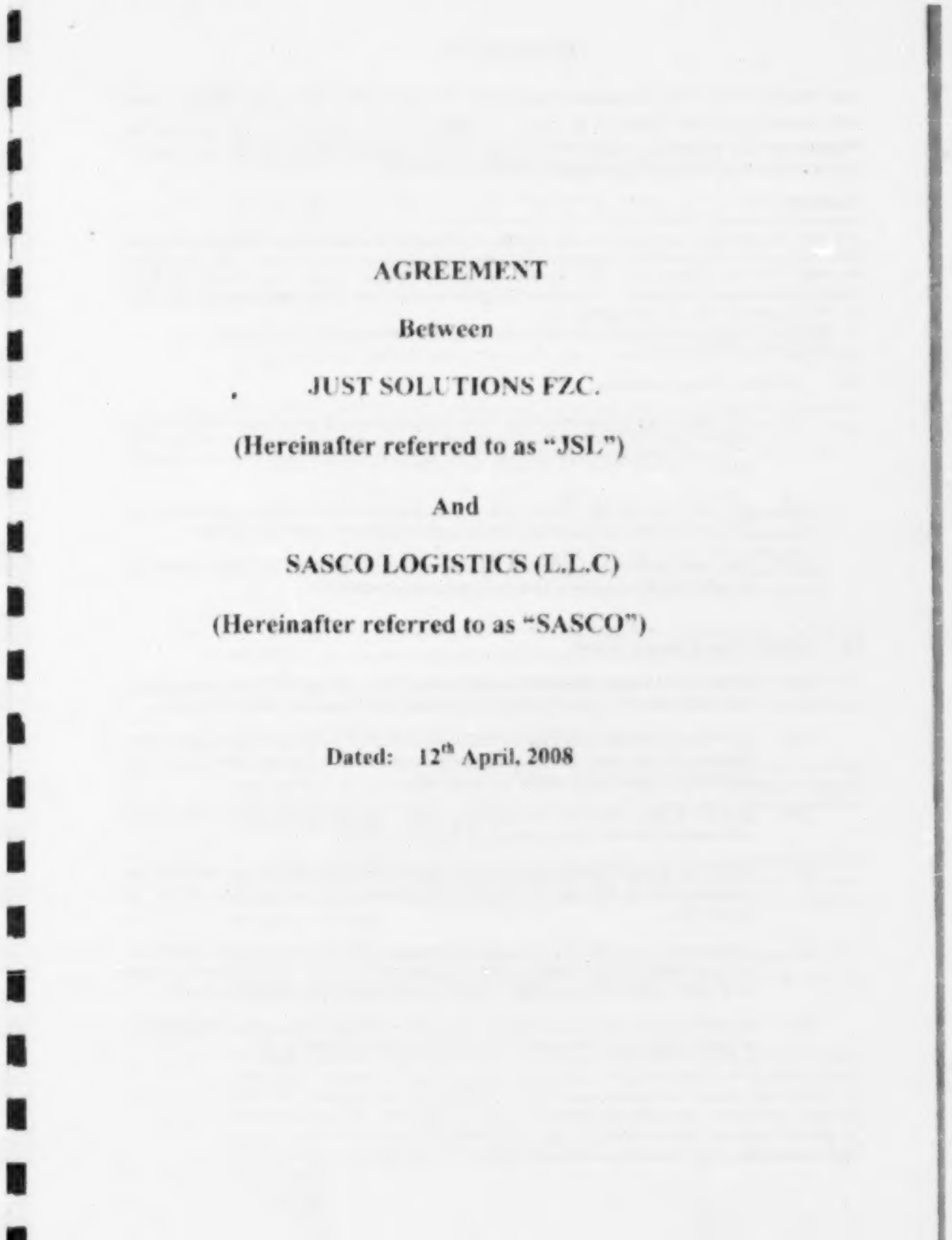
I would like to inform you that Hon. Hassan Ahmed Jama and Gen. Abdullahi Gafow Mohamud are going to proceed to solve the obstacles of the e-passport and open 5 new centers to accelerate the project.

They are fully authorized and we are looking forward that you can reach with them a final solution for better cooperation and to speed up the process.

With our highest consideration.

Gen. Mohamed Warsame Farah (Darwish)
Director General of National Security Agency

Annex 1.2.f.: Agreement between JSL and SASCO Logistics signed 12 April 2008



AGREEMENT

Between

JUST SOLUTIONS FZC.

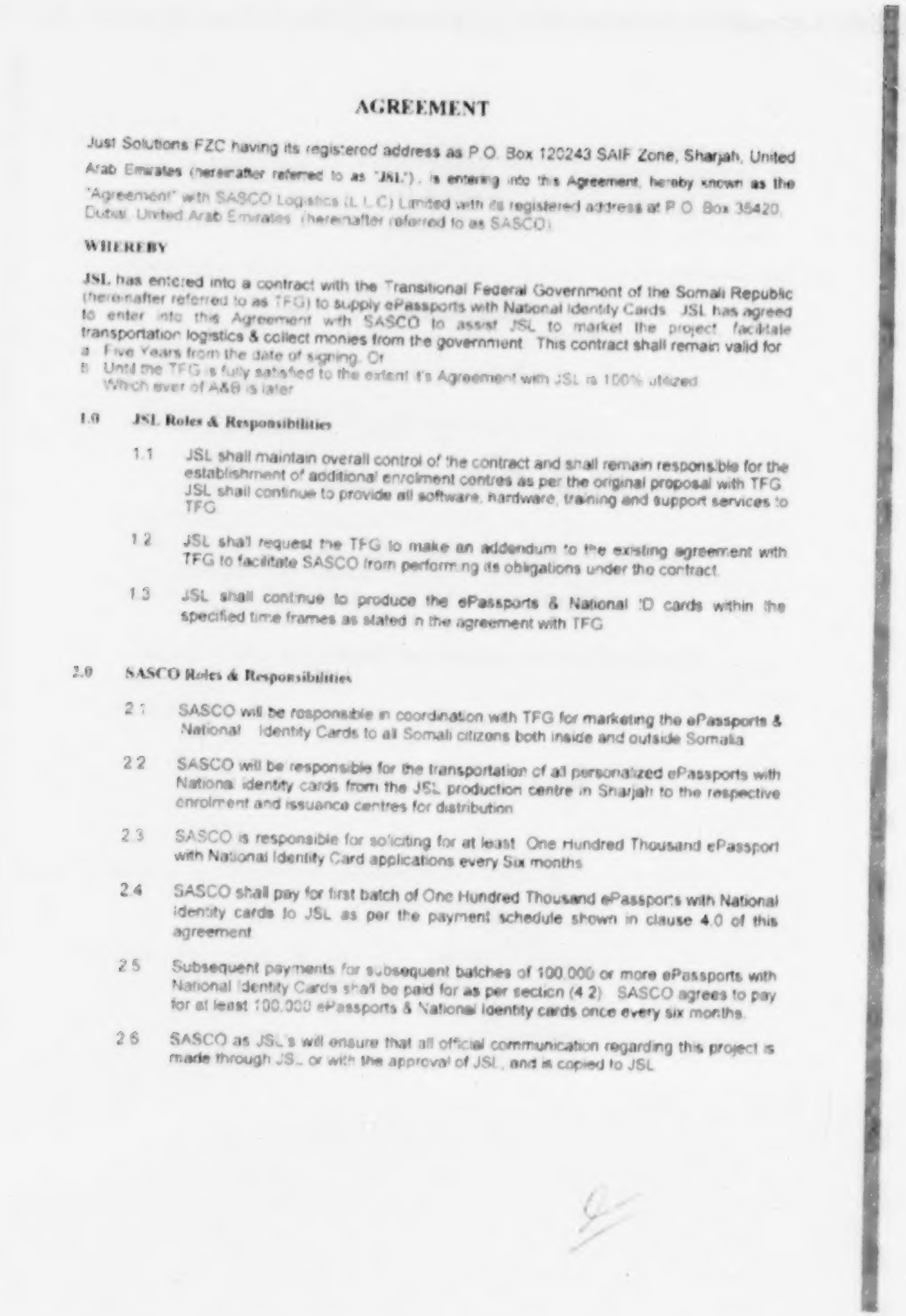
(Hereinafter referred to as "JSL")

And

SASCO LOGISTICS (L.L.C)

(Hereinafter referred to as "SASCO")

Dated: 12th April, 2008



AGREEMENT

Just Solutions FZC having its registered address as P.O. Box 120243 SAIF Zone, Sharjah, United Arab Emirates (hereinafter referred to as "JSL"), is entering into this Agreement, hereby known as the "Agreement" with SASCO Logistics (L.L.C) Limited with its registered address at P.O. Box 35420, Dubai, United Arab Emirates (hereinafter referred to as SASCO).

WHEREBY

JSL has entered into a contract with the Transitional Federal Government of the Somali Republic (hereinafter referred to as TFG) to supply ePassports with National Identity Cards. JSL has agreed to enter into this Agreement with SASCO to assist JSL to market the project, facilitate transportation logistics & collect monies from the government. This contract shall remain valid for

a. Five Years from the date of signing. Or
B. Until the TFG is fully satisfied to the extent it's Agreement with JSL is 100% utilized
Which ever of A&B is later

1.0 JSL Roles & Responsibilities

1.1 JSL shall maintain overall control of the contract and shall remain responsible for the establishment of additional enrolment centres as per the original proposal with TFG. JSL shall continue to provide all software, hardware, training and support services to TFG

1.2 JSL shall request the TFG to make an addendum to the existing agreement with TFG to facilitate SASCO from performing its obligations under the contract.

1.3 JSL shall continue to produce the ePassports & National ID cards within the specified time frames as stated in the agreement with TFG

2.0 SASCO Roles & Responsibilities

2.1 SASCO will be responsible in coordination with TFG for marketing the ePassports & National Identity Cards to all Somali citizens both inside and outside Somalia

2.2 SASCO will be responsible for the transportation of all personalized ePassports with National identity cards from the JSL production centre in Sharjah to the respective enrolment and issuance centres for distribution

2.3 SASCO is responsible for soliciting for at least One Hundred Thousand ePassport with National Identity Card applications every Six months

2.4 SASCO shall pay for first batch of One Hundred Thousand ePassports with National identity cards to JSL as per the payment schedule shown in clause 4.0 of this agreement

2.5 Subsequent payments for subsequent batches of 100,000 or more ePassports with National Identity Cards shall be paid for as per section (4.2). SASCO agrees to pay for at least 100,000 ePassports & National Identity cards once every six months.

2.6 SASCO as JSL's will ensure that all official communication regarding this project is made through JSL or with the approval of JSL, and is copied to JSL

3.0 Payments

3.1 SASCO is responsible for facilitating the collection of all monies from the government. All payments from TFG shall be received into Sasco's nominated bank account.

3.2 SASCO shall pay in advance to JSL United States Dollars Twenty Four (US$ 24.00) for each ePassport & ID card application. Prices are quoted exclusive of all taxes, duties, transportation and bank charges.

4.0 Payment Schedule

4.1 SASCO is solely responsible for facilitating the collection of money from the TFG. SASCO shall not withhold payments to JSL due to delays in recovering money from the TFG.

4.2 The following payment terms shall apply for the first batch of One hundred thousand ePassports & identity cards. The Total amount payable to JSL for this is United States Dollars Two Million Four Hundred thousand Only (US$ 2,400,000.00) exclusive of all taxes, duties, transportation and bank charges.

- US$ 500,000.00 Payable on signing of this agreement
- US$ 380,000.00 Payable 30 days after signing of this agreement
- US$ 380,000.00 Payable 60 days after signing of this agreement
- US$ 380,000.00 Payable 90 days after signing of this agreement
- US$ 380,000.00 Payable 120 days after signing of this agreement
- US$ 380,000.00 Payable 150 days after signing of this agreement

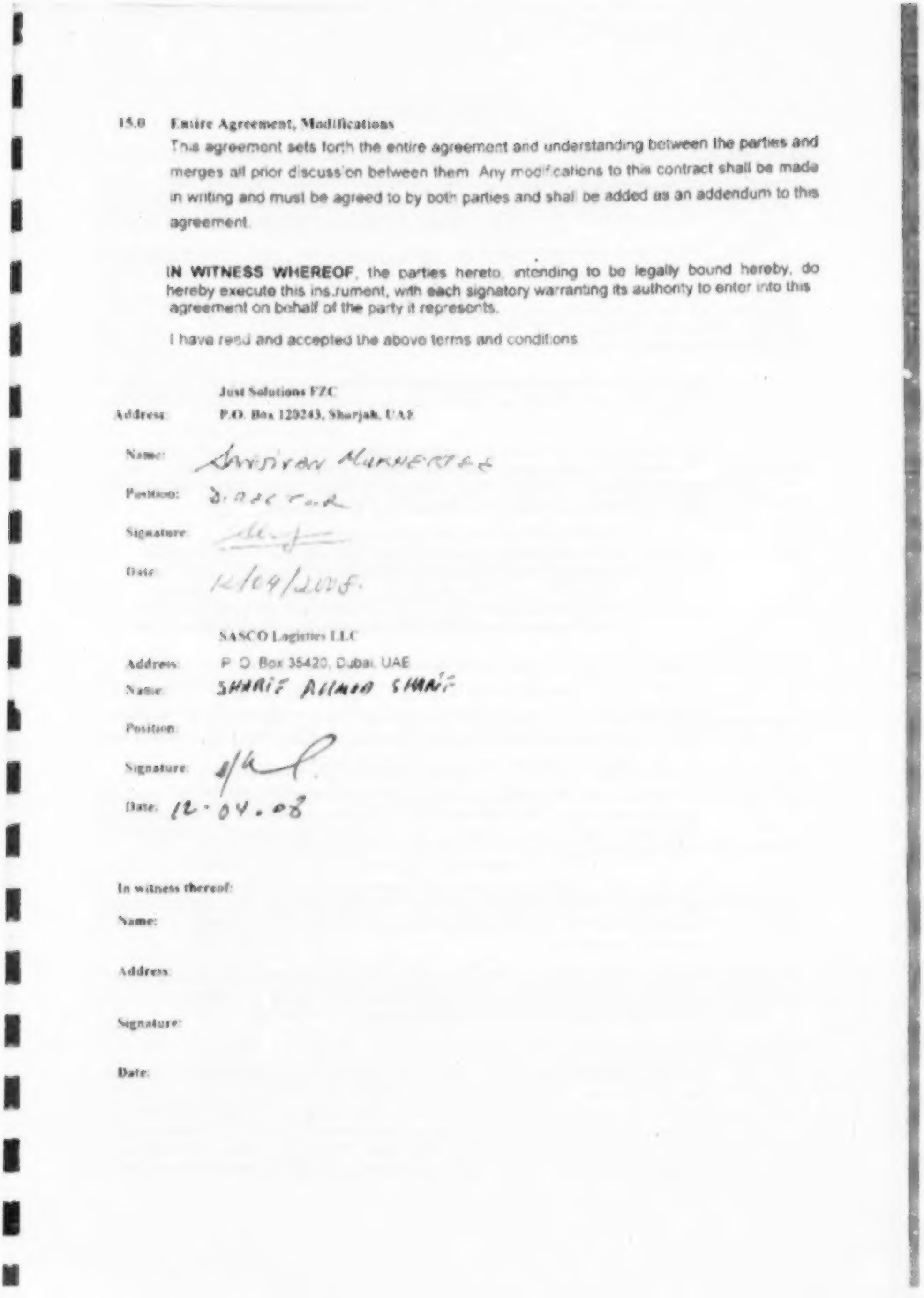
4.3 All payments shall be made within 15 working days from the due date. Failure on SASCO's part to make payments to JSL as per the above schedule will result in this agreement being terminated after notice of (30) days by JSL to Sasco and Sasco failed to remedy this failure within the said period. Except if this none payment was not contributable to Sasco or was due to Force Majeure.

4.4 If the project with TFG went smoothly then, future advance payments for all future batches from SASCO shall be made for a minimum quantity of 100,000 ePassport with Identity Cards every six months. The payment for these future batches shall be made as per clause (4.2).

4.5 JSL shall not be liable for refunding any advance payments received from SASCO in the event of SASCO failing to recover the due funds or generating sufficient applications from TFG but then Sasco shall be entitled for an extension of time for upcoming payments.

4.6 If the application quantities received from the TFG exceeds 100,000 ePassport with National Identity card applications during a six month period, SASCO shall pay JSL for the additional applications on receiving them.

4.7 JSL shall guarantee that it shall deliver all epassports with Identity cards that have been paid fore shall within the agreed time frames as specified in JSL's contract with TFG. In the event that JSL failed to make timely deliveries , Sasco shall serve JSL with notice and JSL shall have 30 days to remedy the situation. In the event that JSL fails to rectify the breach during this time , Sasco shall reserve the right of asking for a full refund of monies paid for undelivered items, withholding future payments and/or



15.0 Entire Agreement, Modifications

This agreement sets forth the entire agreement and understanding between the parties and merges all prior discussion between them. Any modifications to this contract shall be made in writing and must be agreed to by both parties and shall be added as an addendum to this agreement.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, do hereby execute this instrument, with each signatory warranting its authority to enter into this agreement on behalf of the party it represents.

I have read and accepted the above terms and conditions

Just Solutions FZC
Address: **P.O. Box 120243, Sharjah, UAE**

Name: SHRISTAN MUKHERJEE
Position: DIRECTOR
Signature:
Date: 12/04/2008.

SASCO Logistics LLC
Address: P. O. Box 35420, Dubai, UAE
Name: SHARIF AHMED SHARIF
Position:
Signature:
Date: 12.04.08

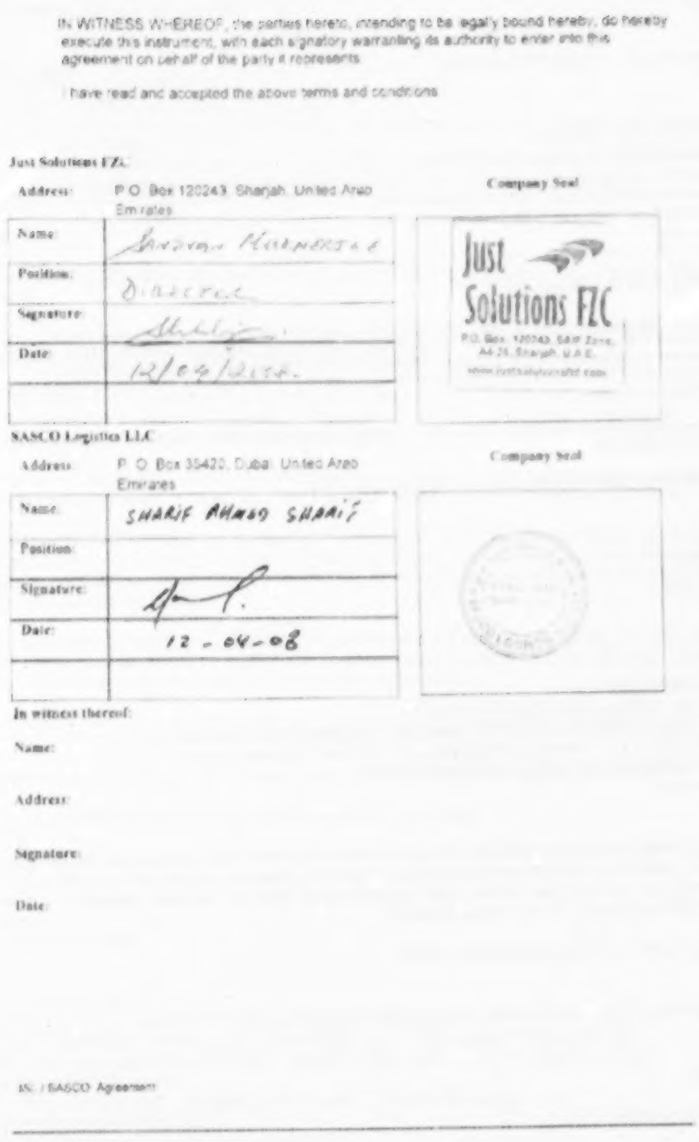
In witness thereof:

Name:

Address:

Signature:

Date:



IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, do hereby execute this instrument, with each signatory warranting its authority to enter into this agreement on behalf of the party it represents.

I have read and accepted the above terms and conditions.

Just Solutions FZC

Address: P.O. Box 120243, Sharjah, United Arab Emirates

Company Seal

Name:	Sandran Mukherjee
Position:	Director
Signature:	
Date:	12/04/2008.

Just Solutions FZC
P.O. Box 120243, SAIF Zone, A4-24, Sharjah, U.A.E.

SASCO Logistics LLC

Address: P. O. Box 35420, Dubai, United Arab Emirates

Company Seal

Name:	SHARIF AHMED SHARIF
Position:	
Signature:	
Date:	12-04-08

In witness thereof:

Name:

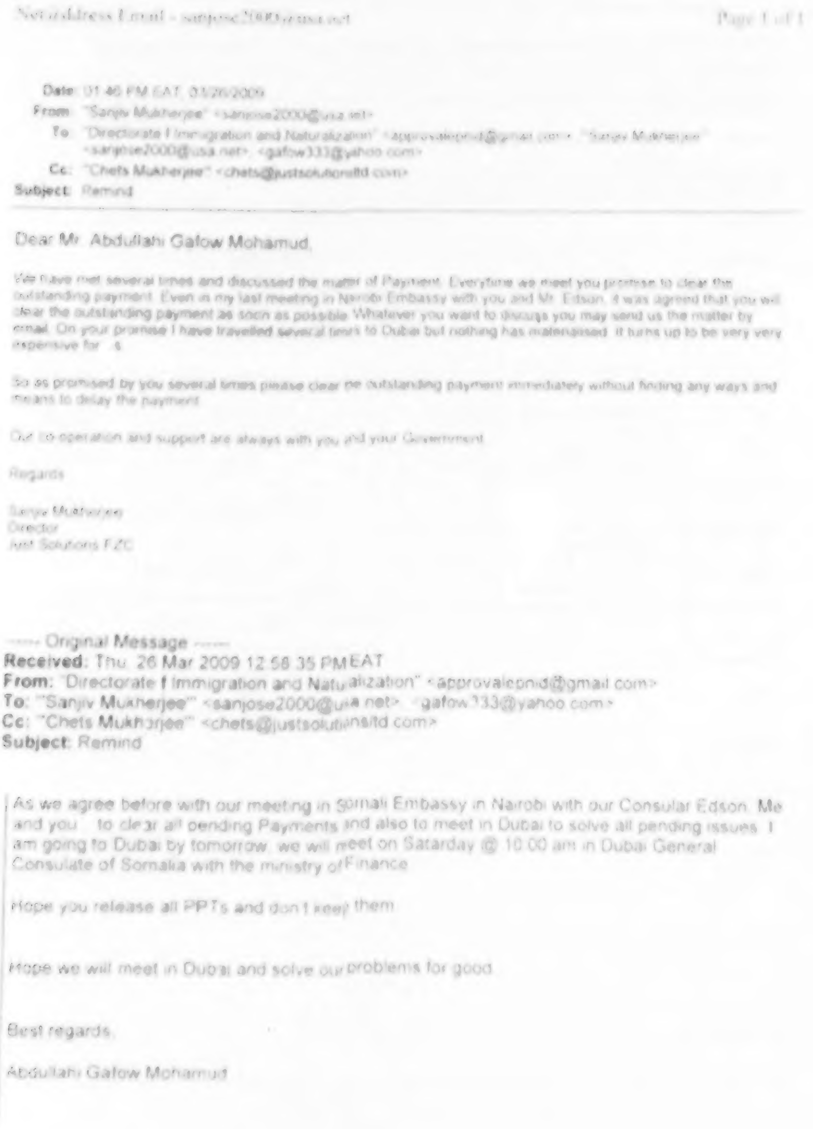
Address:

Signature:

Date:

JS / SASCO Agreement

Annex 1.2.g.: Emails exchanges between General Gaafow and JSL



NetAddress Email - sanjose2000@usa.net Page 1 of 1

Date: 01:46 PM EAT, 03/26/2009
From: "Sanjiv Mukherjee" <sanjose2000@usa.net>
To: "Directorate f Immigration and Naturalization" <approvalepnid@gmail.com>, "Sanjiv Mukherjee" <sanjose2000@usa.net>, <gafow333@yahoo.com>
Cc: "Chets Mukherjee" <chets@justsolutionsltd.com>
Subject: Remind

Dear Mr. Abdullahi Gafow Mohamud,

We have met several times and discussed the matter of Payment. Everytime we meet you promise to clear the outstanding payment. Even in my last meeting in Nairobi Embassy with you and Mr. Edson, it was agreed that you will clear the outstanding payment as soon as possible. Whatever you want to discuss you may send us the matter by email. On your promise I have travelled several times to Dubai but nothing has materialised. It turns up to be very very expensive for us.

So as promised by you several times please clear the outstanding payment immediately without finding any ways and means to delay the payment.

Our co-operation and support are always with you and your Government.

Regards

Sanjiv Mukherjee
Director
Just Solutions FZC

------ Original Message ------
Received: Thu, 26 Mar 2009 12:58:35 PM EAT
From: "Directorate f Immigration and Naturalization" <approvalepnid@gmail.com>
To: "Sanjiv Mukherjee" <sanjose2000@usa.net>, <gafow333@yahoo.com>
Cc: "Chets Mukherjee" <chets@justsolutionsltd.com>
Subject: Remind

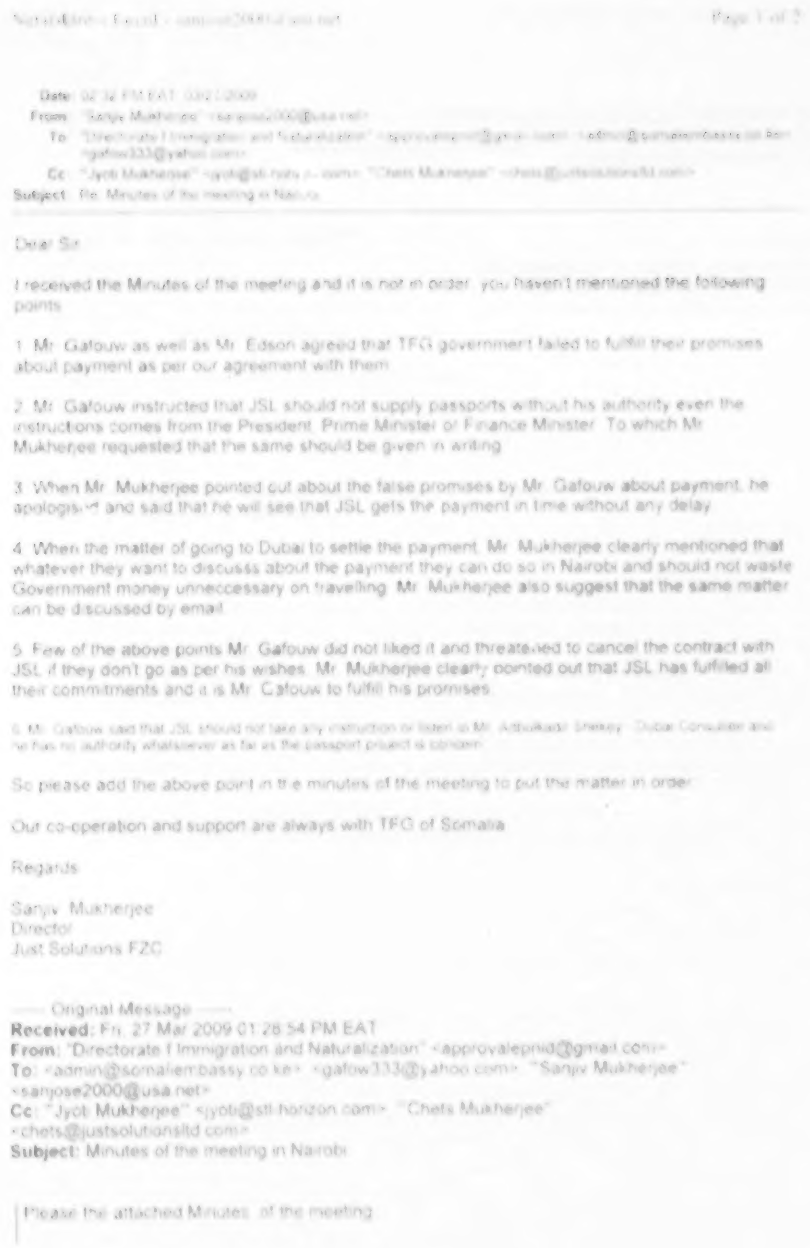
As we agree before with our meeting in Somali Embassy in Nairobi with our Consular Edson. Me and you to clear all pending Payments and also to meet in Dubai to solve all pending issues. I am going to Dubai by tomorrow, we will meet on Saturday @ 10:00 am in Dubai General Consulate of Somalia with the ministry of Finance.

Hope you release all PPTs and don't keep them.

Hope we will meet in Dubai and solve our problems for good.

Best regards,

Abdullahi Gafow Mohamud



Netaddress Email - sanjose2000@usa.net Page 1 of 2

Date: 02:32 PM EAT, 03/27/2009
From: "Sanjiv Mukherjee" <sanjose2000@usa.net>
To: "Directorate f Immigration and Naturalization" <approvalepnid@gmail.com>, <admin@somaliembassy.co.ke>, <gafow333@yahoo.com>
Cc: "Jyoti Mukherjee" <jyoti@stl-horizon.com>, "Chets Mukherjee" <chets@justsolutionsltd.com>
Subject: Re: Minutes of the meeting in Nairobi

Dear Sir,

I received the Minutes of the meeting and it is not in order, you haven't mentioned the following points

1. Mr. Gafouw as well as Mr. Edson agreed that TFG government failed to fulfill their promises about payment as per our agreement with them.

2. Mr. Gafouw instructed that JSL should not supply passports without his authority even the instructions comes from the President, Prime Minister or Finance Minister. To which Mr Mukherjee requested that the same should be given in writing.

3. When Mr. Mukherjee pointed out about the false promises by Mr. Gafouw about payment, he apologised and said that he will see that JSL gets the payment in time without any delay.

4. When the matter of going to Dubai to settle the payment, Mr. Mukherjee clearly mentioned that whatever they want to discusss about the payment they can do so in Nairobi and should not waste Government money unneccessary on travelling. Mr. Mukherjee also suggest that the same matter can be discussed by email.

5. Few of the above points Mr. Gafouw did not liked it and threatened to cancel the contract with JSL if they don't go as per his wishes. Mr. Mukherjee clearly pointed out that JSL has fulfilled all their commitments and it is Mr. Gafouw to fulfill his promises.

6. Mr. Gafouw said that JSL should not take any instruction or listen to Mr. Abdulkadir Sheikey - Dubai Consultant and he has no authority whatsoever as far as the passport project is concern.

So please add the above point in the minutes of the meeting to put the matter in order.

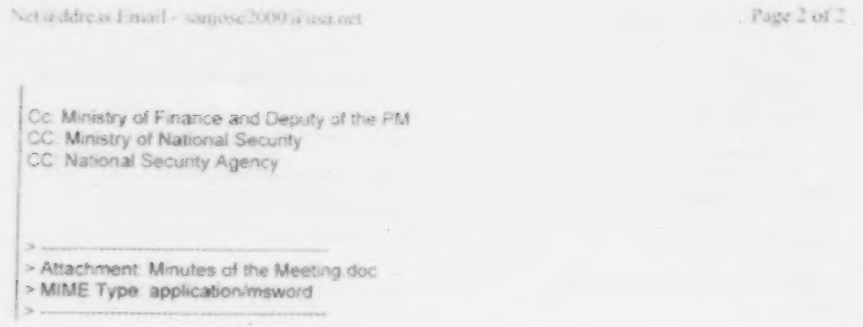
Our co-operation and support are always with TFG of Somalia.

Regards,

Sanjiv Mukherjee
Director
Just Solutions FZC

----- Original Message -----
Received: Fri, 27 Mar 2009 01:28:54 PM EAT
From: "Directorate f Immigration and Naturalization" <approvalepnid@gmail.com>
To: <admin@somaliembassy.co.ke>, <gafow333@yahoo.com>, "Sanjiv Mukherjee" <sanjose2000@usa.net>
Cc: "Jyoti Mukherjee" <jyoti@stl-horizon.com>, "Chets Mukherjee" <chets@justsolutionsltd.com>
Subject: Minutes of the meeting in Nairobi

> Please the attached Minutes of the meeting

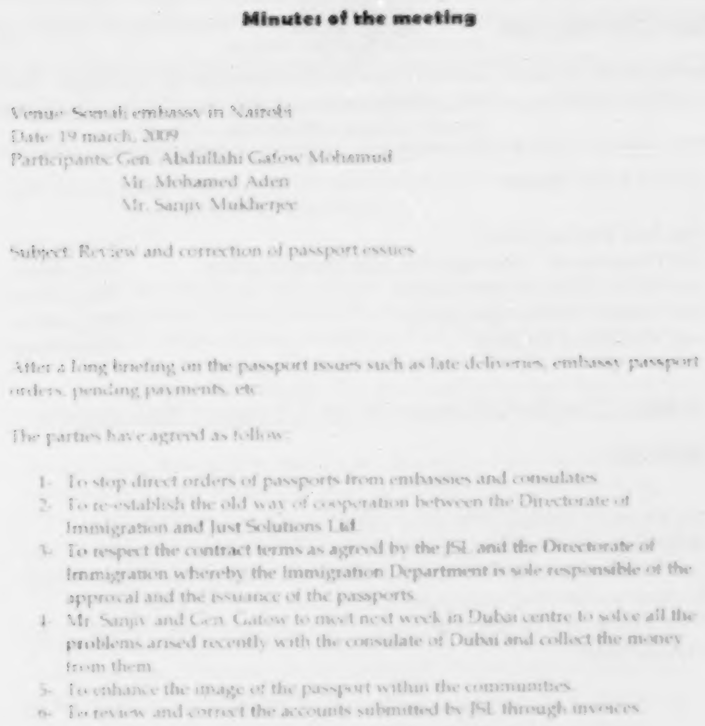


Net@ddress Email - sanjose2000@usa.net

Page 2 of 2

Cc: Ministry of Finance and Deputy of the PM
CC: Ministry of National Security
CC: National Security Agency

> --
> Attachment: Minutes of the Meeting.doc
> MIME Type: application/msword
> --



Minutes of the meeting

Venue: Somali embassy in Nairobi
Date: 19 march, 2009
Participants: Gen. Abdullahi Gafow Mohamud
Mr. Mohamed Aden
Mr. Sanjiv Mukherjee

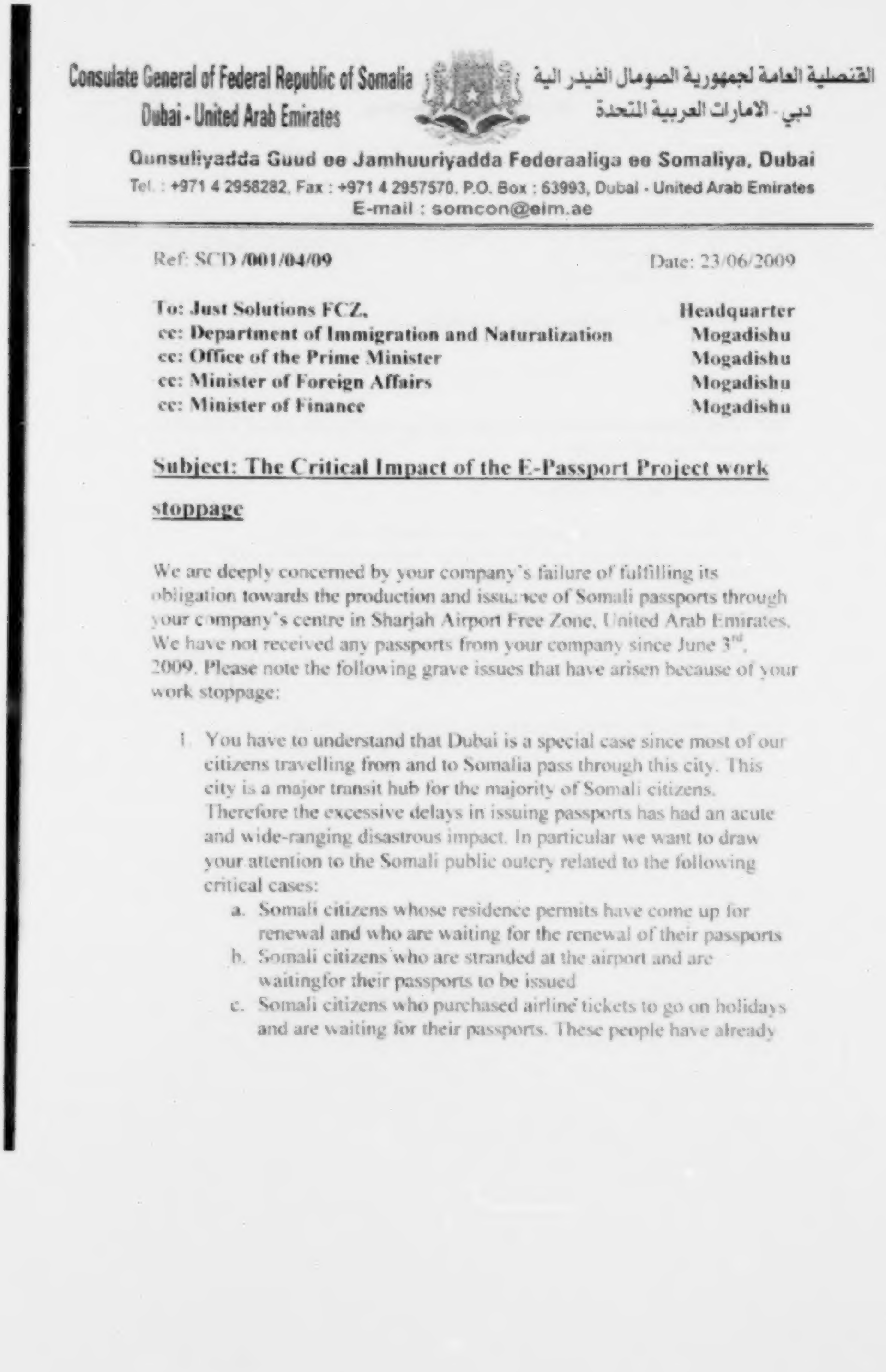
Subject: Review and correction of passport essues

After a long briefing on the passport issues such as late deliveries, embassy passport orders, pending payments, etc.

The parties have agreed as follow:

1- To stop direct orders of passports from embassies and consulates
2- To re-establish the old way of cooperation between the Directorate of Immigration and Just Solutions Ltd.
3- To respect the contract terms as agreed by the JSL and the Directorate of Immigration whereby the Immigration Department is sole responsible of the approval and the issuance of the passports.
4- Mr. Sanjiv and Gen. Gafow to meet next week in Dubai centre to solve all the problems arised recently with the consulate of Dubai and collect the money from them.
5- To enhance the image of the passport within the communities.
6- To review and correct the accounts submitted by JSL through invoices.

Annex 1.2.h.: Letter from Abdullahi Mohamed Aden to JSL dated 23 June 2009



Consulate General of Federal Republic of Somalia
Dubai - United Arab Emirates

القنصلية العامة لجمهورية الصومال الفيدر الية
دبي - الامارات العربية المتحدة

Qunsuliyadda Guud ee Jamhuuriyadda Federaaliga ee Somaliya, Dubai
Tel. : +971 4 2958282, Fax : +971 4 2957570. P.O. Box : 63993, Dubai - United Arab Emirates
E-mail : somcon@eim.ae

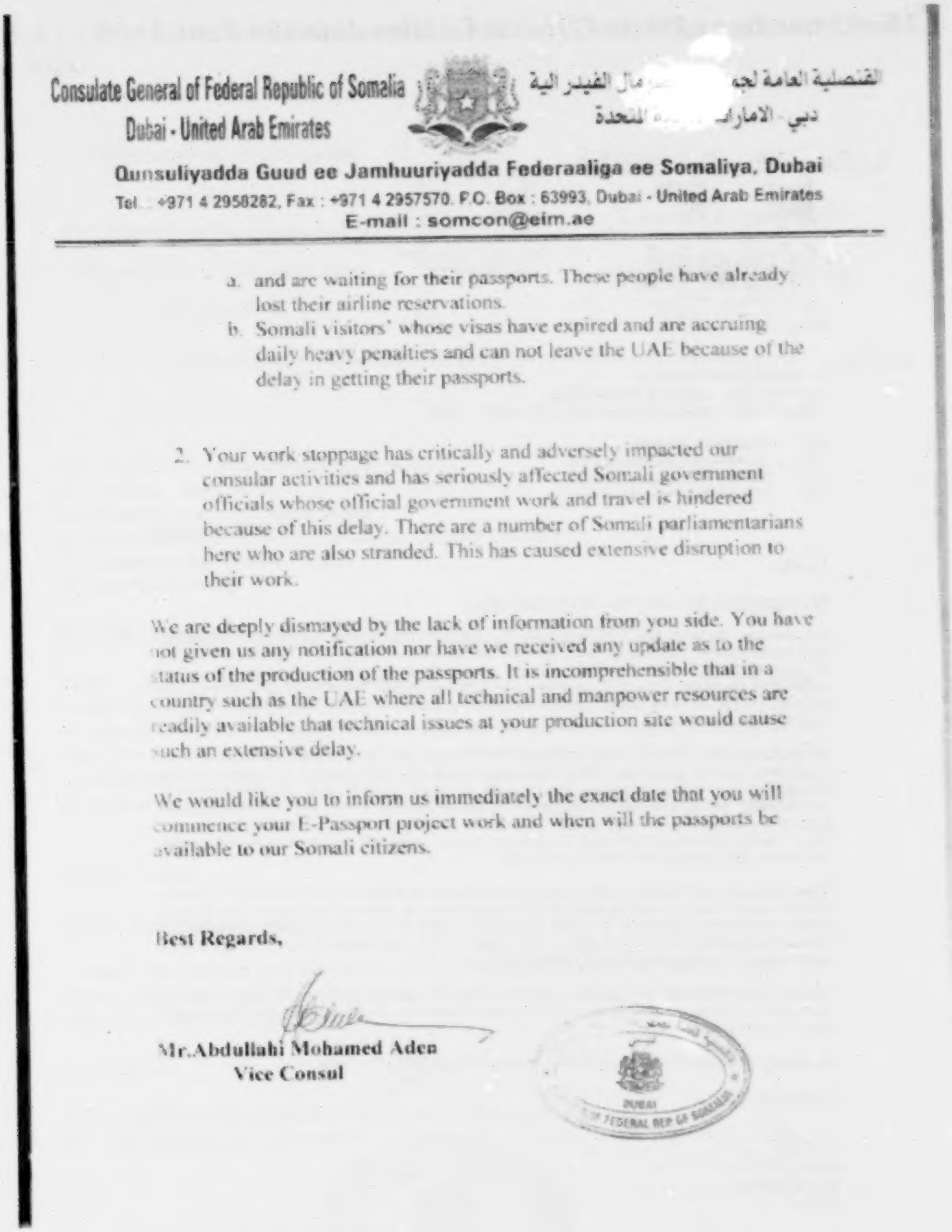
Ref: SCD **/001/04/09** Date: 23/06/2009

To: Just Solutions FCZ,	**Headquarter**
cc: Department of Immigration and Naturalization	**Mogadishu**
cc: Office of the Prime Minister	**Mogadishu**
cc: Minister of Foreign Affairs	**Mogadishu**
cc: Minister of Finance	**Mogadishu**

Subject: The Critical Impact of the E-Passport Project work stoppage

We are deeply concerned by your company's failure of fulfilling its obligation towards the production and issuance of Somali passports through your company's centre in Sharjah Airport Free Zone, United Arab Emirates. We have not received any passports from your company since June 3rd, 2009. Please note the following grave issues that have arisen because of your work stoppage:

1. You have to understand that Dubai is a special case since most of our citizens travelling from and to Somalia pass through this city. This city is a major transit hub for the majority of Somali citizens. Therefore the excessive delays in issuing passports has had an acute and wide-ranging disastrous impact. In particular we want to draw your attention to the Somali public outcry related to the following critical cases:
    a. Somali citizens whose residence permits have come up for renewal and who are waiting for the renewal of their passports
    b. Somali citizens who are stranded at the airport and are waitingfor their passports to be issued
    c. Somali citizens who purchased airline tickets to go on holidays and are waiting for their passports. These people have already



Consulate General of Federal Republic of Somalia
Dubai - United Arab Emirates

القنصلية العامة لجه [illegible] مال الفيدرالية
دبي - الامارات [illegible] المتحدة

Qunsuliyadda Guud ee Jamhuuriyadda Federaaliga ee Somaliya, Dubai
Tel.: +971 4 2958282, Fax : +971 4 2957570. P.O. Box : 63993, Dubai - United Arab Emirates
E-mail : somcon@eim.ae

a. and are waiting for their passports. These people have already lost their airline reservations.
b. Somali visitors' whose visas have expired and are accruing daily heavy penalties and can not leave the UAE because of the delay in getting their passports.

2. Your work stoppage has critically and adversely impacted our consular activities and has seriously affected Somali government officials whose official government work and travel is hindered because of this delay. There are a number of Somali parliamentarians here who are also stranded. This has caused extensive disruption to their work.

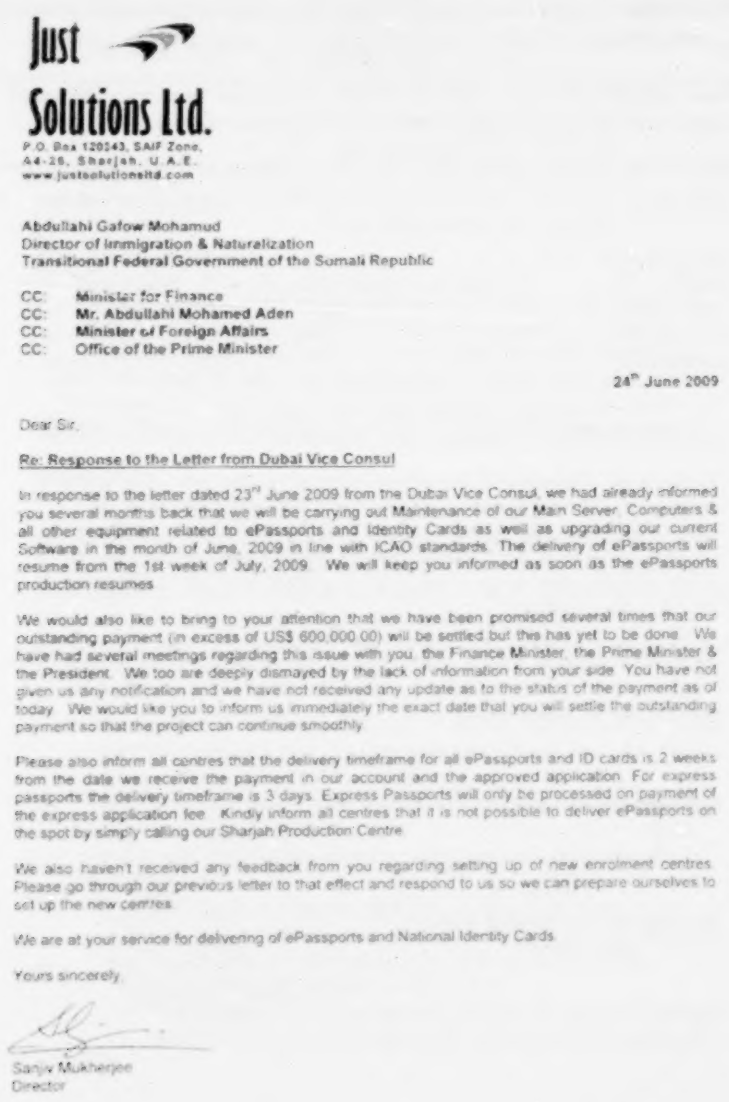
We are deeply dismayed by the lack of information from you side. You have not given us any notification nor have we received any update as to the status of the production of the passports. It is incomprehensible that in a country such as the UAE where all technical and manpower resources are readily available that technical issues at your production site would cause such an extensive delay.

We would like you to inform us immediately the exact date that you will commence your E-Passport project work and when will the passports be available to our Somali citizens.

Best Regards,

Mr.Abdullahi Mohamed Aden
Vice Consul

Annex 1.2.i.: Letter from JSL to General Gaafow dated 24 June 2009



Just Solutions Ltd.
P.O. Box 120343, SAIF Zone,
A4-25, Sharjah, U.A.E.
www.justsolutionsltd.com

Abdullahi Gafow Mohamud
Director of Immigration & Naturalization
Transitional Federal Government of the Somali Republic

CC: **Minister for Finance**
CC: **Mr. Abdullahi Mohamed Aden**
CC: **Minister of Foreign Affairs**
CC: **Office of the Prime Minister**

24th June 2009

Dear Sir,

Re: Response to the Letter from Dubai Vice Consul

In response to the letter dated 23rd June 2009 from the Dubai Vice Consul, we had already informed you several months back that we will be carrying out Maintenance of our Main Server, Computers & all other equipment related to ePassports and Identity Cards as well as upgrading our current Software in the month of June, 2009 in line with ICAO standards. The delivery of ePassports will resume from the 1st week of July, 2009. We will keep you informed as soon as the ePassports production resumes.

We would also like to bring to your attention that we have been promised several times that our outstanding payment (in excess of US$ 600,000.00) will be settled but this has yet to be done. We have had several meetings regarding this issue with you, the Finance Minister, the Prime Minister & the President. We too are deeply dismayed by the lack of information from your side. You have not given us any notification and we have not received any update as to the status of the payment as of today. We would like you to inform us immediately the exact date that you will settle the outstanding payment so that the project can continue smoothly.

Please also inform all centres that the delivery timeframe for all ePassports and ID cards is 2 weeks from the date we receive the payment in our account and the approved application. For express passports the delivery timeframe is 3 days. Express Passports will only be processed on payment of the express application fee. Kindly inform all centres that it is not possible to deliver ePassports on the spot by simply calling our Sharjah Production Centre.

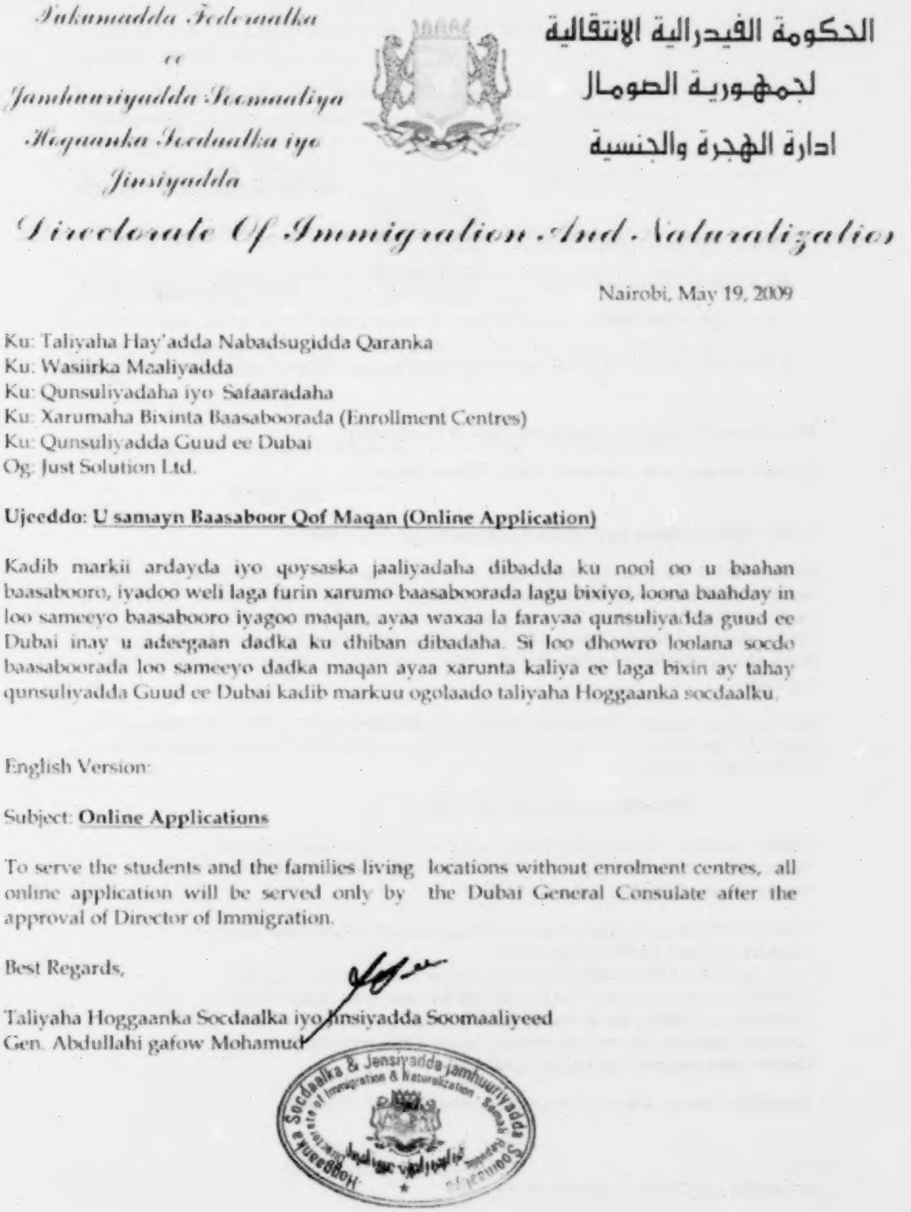
We also haven't received any feedback from you regarding setting up of new enrolment centres. Please go through our previous letter to that effect and respond to us so we can prepare ourselves to set up the new centres.

We are at your service for delivering of ePassports and National Identity Cards.

Yours sincerely,

Sanjiv Mukherjee
Director

Annex 1.2.j.: Directive from General Abdullahi Gaafow Mohamud dated 19 May 2009



Xukumadda Federaalka
ee
Jamhuuriyadda Soomaaliya
Hogaanka Socdaalka iyo
Jinsiyadda

الحكومة الفيدرالية الإنتقالية
لجمهورية الصومال
ادارة الهجرة والجنسية

Directorate Of Immigration And Naturalization

Nairobi, May 19, 2009

Ku: Taliyaha Hay'adda Nabadsugidda Qaranka
Ku: Wasiirka Maaliyadda
Ku: Qunsuliyadaha iyo Safaaradaha
Ku: Xarumaha Bixinta Baasaboorada (Enrollment Centres)
Ku: Qunsuliyadda Guud ee Dubai
Og: Just Solution Ltd.

Ujeeddo: U samayn Baasaboor Qof Maqan (Online Application)

Kadib markii ardayda iyo qoysaska jaaliyadaha dibadda ku nool oo u baahan baasabooro, iyadoo weli laga furin xarumo baasaboorada lagu bixiyo, loona baahday in loo sameeyo baasabooro iyagoo maqan, ayaa waxaa la farayaa qunsuliyadda guud ee Dubai inay u adeegaan dadka ku dhiban dibadaha. Si loo dhowro loolana socdo baasaboorada loo sameeyo dadka maqan ayaa xarunta kaliya ee laga bixin ay tahay qunsuliyadda Guud ee Dubai kadib markuu ogolaado taliyaha Hoggaanka socdaalku.

English Version:

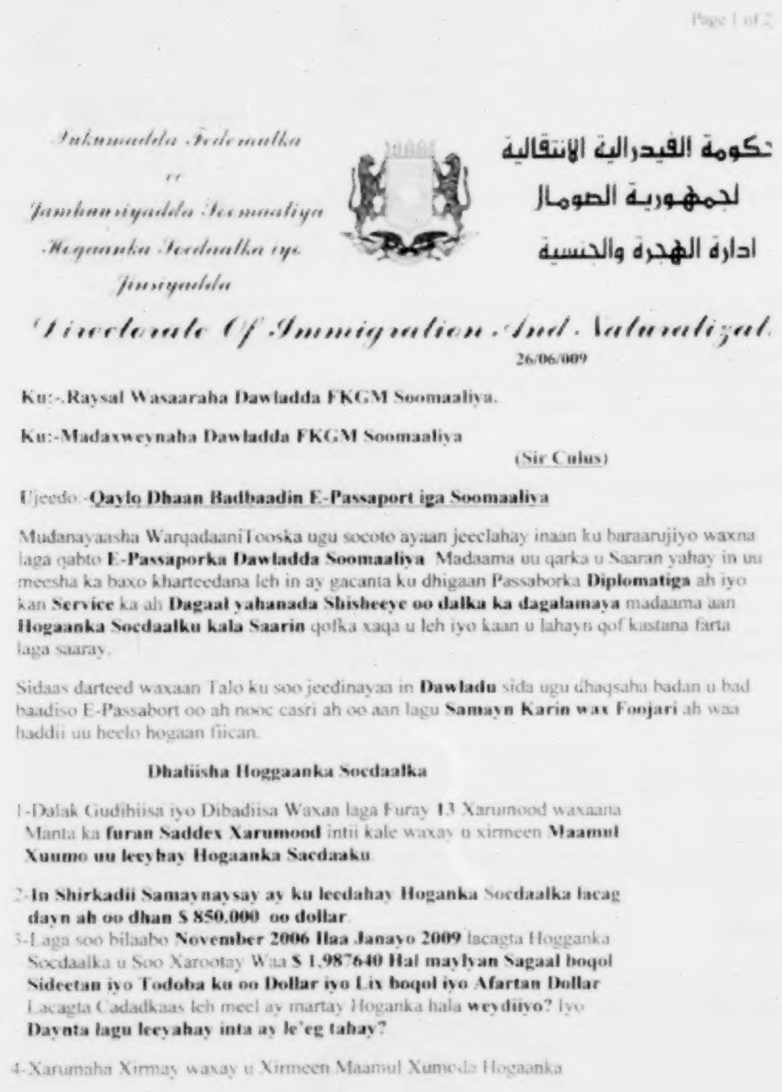
Subject: **Online Applications**

To serve the students and the families living locations without enrolment centres, all online application will be served only by the Dubai General Consulate after the approval of Director of Immigration.

Best Regards,

Taliyaha Hoggaanka Socdaalka iyo Jinsiyadda Soomaaliyeed
Gen. Abdullahi gafow Mohamud

Annex 1.2.k.: Letter from Lt. Col. Abdi Yusuf Jibril to the President and Prime Minister of the TFG dated 26 June 2009 (translated by Jibril)



Page 1 of 2

Xukumadda Federaalka
ee
Jamhuuriyadda Soomaaliya
Hogaanka Socdaalka iyo
Jinsiyadda

ـكومة الفيدرالية الإنتقالية
لجمهورية الصومال
ادارة الهجرة والجنسية

Directorate Of Immigration And Naturalizat

26/06/009

Ku:-.Raysal Wasaaraha Dawladda FKGM Soomaaliya.

Ku:-Madaxweynaha Dawladda FKGM Soomaaliya

(Sir Culus)

Ujeedo:-**Qaylo Dhaan Badbaadin E-Passaport iga Soomaaliya**

Mudanayaasha WarqadaaniTooska ugu socoto ayaan jeeclahay inaan ku baraarujiyo waxna laga qabto **E-Passaporka Dawladda Soomaaliya** Madaama uu qarka u Saaran yahay in uu meesha ka baxo kharteedana leh in ay gacanta ku dhigaan Passaborka **Diplomatiga** ah iyo kan **Service** ka ah **Dagaal yahanada Shisheeye oo dalka ka dagalamaya** madaama aan **Hogaanka Socdaalku kala Saarin** qofka xaqa u leh iyo kaan u lahayn qof kastana farta laga saaray.

Sidaas darteed waxaan Talo ku soo jeedinayaa in **Dawladu** sida ugu dhaqsaha badan u bad baadiso E-Passabort oo ah nooc casri ah oo aan lagu **Samayn Karin wax Foojari** ah waa haddii uu heelo hogaan fiican.

Dhaliisha Hoggaanka Socdaalka

1-Dalak Gudihiisa iyo Dibadiisa Waxaa laga Furay **13** Xarumood waxaana Manta ka **furan Saddex Xarumood** intii kale waxay u xirmeen **Maamul Xuumo uu leeyhay Hogaanka Sacdaaku**.

2-**In Shirkadii Samaynaysay ay ku leedahay Hoganka** Socdaalka **lacag dayn ah oo dhan $ 850,000 oo dollar**.

3-Laga soo bilaabo **November 2006 Ilaa Janayo 2009** lacagta Hogganka Socdaalka u Soo Xarootay Waa **$ 1,987640 Hal maylyan Sagaal boqol Sideetan iyo Todoba ku oo Dollar iyo Lix boqol iyo Afartan Dollar** Lacagta Cadadkaas leh meel ay martay Hoganka hala **weydiiyo?** Iyo **Daynta lagu leeyahay inta ay le'eg tahay?**

4-Xarumaha Xirmay waxay u Xirmeen Maamul Xumeda Hogaanka

http://mail.aol.com/35412-111/aol-6/en-us/Suite.aspx 1/27/2012

Socdaalka iyo Shaqaalihii oo aan wax **Mushaar ah la siin 8 Sideed** bilood iyo wixii kiro ah.

5-**Novenber 2006 ilaa Janayo 2009** Basaboorada la sameyey waa kuwaan
- Basaboorka Caadiga oo ah kan Dadweynaha=**17681**-Xabo.waa lacag.
- Diplomatiga ama Siyaasi mahan Lacag- = **751 -Xabo**
- Service Ama kan Shaqaalaha Mahan Lacag= **831-Xabo**
- Travel Dukumint Hay'addaha Dawladda = = = **2-Xabo**

Total Guud= =19265 Basaboor

Sidaas Darteed Lacagtaas faraha badan oo soo gashay Hogaanka Socdaalka oo aan lagaranayn meel ay martay ayaa haddana waxaa Xirmay
Xarumihii laga bixiin jirey basaboorada iyo walaba shaqaalihii ka shaqaynayey oo dalbaday **Mushaarkoodii** oo lagu Abaal gudey Shaqo ka Cayrin Sida lagu Sameyey shaqaalhii **Nairobi** Taasina Waa Cadald Daro.

Taliye Xigeenka Hogganka Socdaalka Dawladda FKG Soomaaliya

Cabdi Yusuf Jibriil

Jamhuuriyadda Soomaaliya
Hoggaanka Socdaalka
Xafiisha Taliyexigeenka
Muqdishu, Soomaaliya

Somali Republic
Immigration
Office of the Deputy Director

Mogadishu, Somalia

(Top Confidential)

June 26, 2009

To: Prime Minister of the Somali TFG

To: President of the Somali TFG

Sub: ***Urgent call for the salvation of Somalia's E-Passport***

I am compelled to inform the highest authority of our Somali Republic in my intention of making them aware of the dire situation of the E-Passport of the Somali Republic, while I see it that it is close to end in the hands of the International Terrorist Organizations, especially the Diplomatic and Service Passports, which could be a dangerous act, where the Director of the Immigration Department is indifferent or may be involved in these acts. There is no directive which tells who is eligible to get such types of passports and who is not. Everyone seems to be entitled to have one without any restrictions.

Therefore, I do inform herewith to the higher ranks of our authority to take drastic and quick steps to intervene these hazardous maneuvers and safe our country and its Electronic-passports which are modern ones where forging it could be difficult if a trustable, responsible and cautious department officers are assigned for it.

The Loopholes of Somalia's Present Immigration Department:

1. *There were 13 centers both inside of Somalia and abroad. Only three are functioning today, where the rest were closed due to maladministration of the Immigration Department and lack of paying their bills.*
2. *The Department owed $* ***850,000*** *to the Manufacturing Company on that date.*
3. *Beginning from November* ***2006 up to January 2006****, the passport revenue we earned was $* ***1,987,640****. No body knows where that amount of money ended*

except the Director of Somalia's Immigration Department. If such an amount was received, why we still owe that money is question to be asked the Head of I. Dept.

4. *The closure of the above said* ***10 centers*** *were the result of our lack of running* ***cost and*** *over 8 months of unpaid salaries to the employees.*

5. *From November* ***2006*** *–* ***January 2009****, the issued E-passports total as*

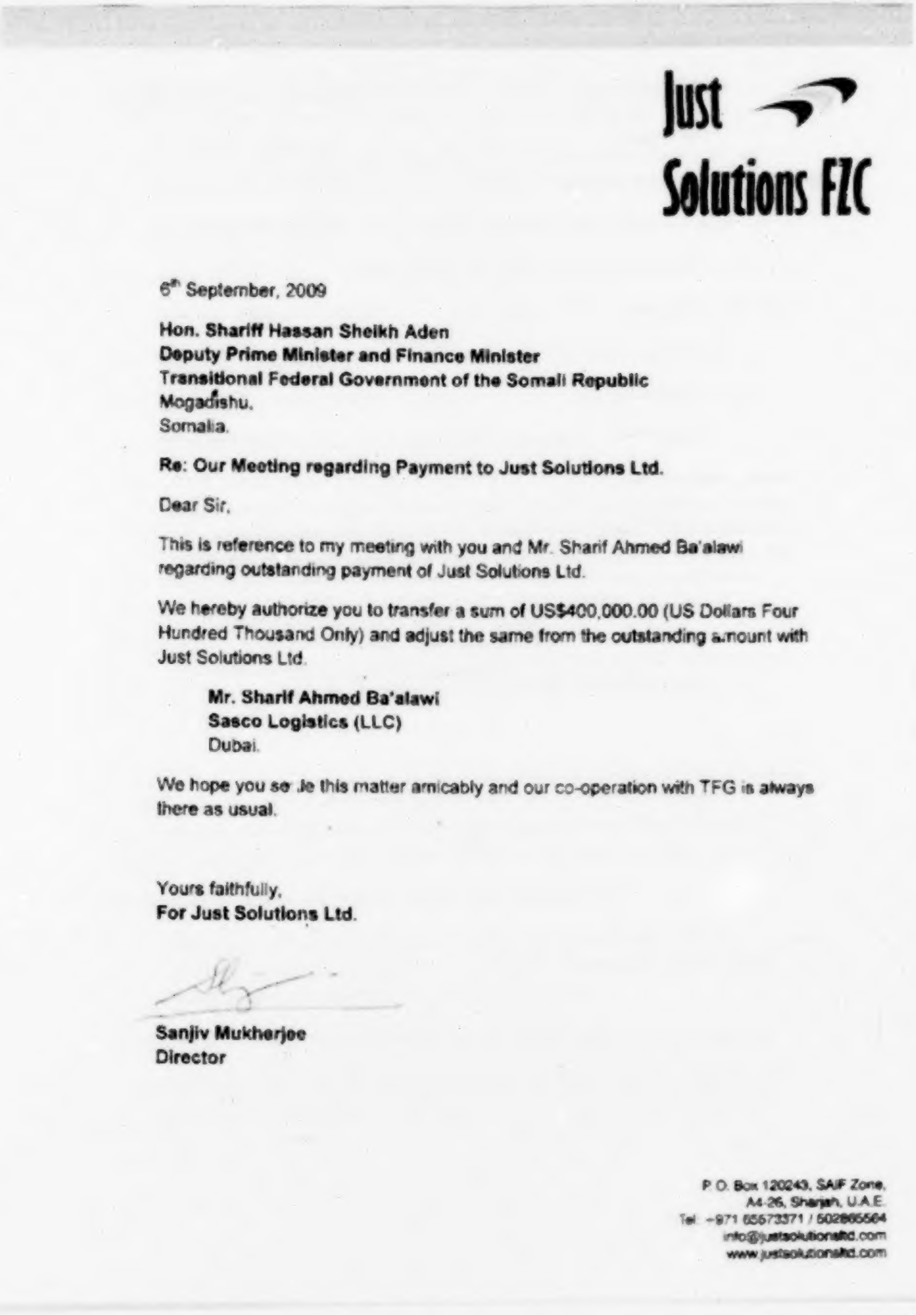
- *Normal or civilian E-passports were*	***17,681*** *passports*
- *Diplomatic, without charges were*	*751 passports*
- *Service (Government employees) without charges were*	***831*** *passports*
- *Travel documents of also no charging fees were*	*2 passes*
Grand Total	***19,265 Passports***

So that, with that amount received, such a number of closed centers and the hardworking employees of department who were awarded to be laid off show the unjust acts and grave fraud which could result that the Department will fail to function and become the sole facilitator of the Al-Shabab and Al-Qaida Terrorist Organizations.

Lt. Col. Abdi Yusuf Jibril

Deputy Director of Somalia's Immigration Department

Annex 1.2.l.: Letter from JSL to Hon. Sharif Hassan Sheikh Aden dated 6 September 2009



Just
Solutions FZC

6th September, 2009

Hon. Shariff Hassan Sheikh Aden
Deputy Prime Minister and Finance Minister
Transitional Federal Government of the Somali Republic
Mogadishu,
Somalia.

Re: Our Meeting regarding Payment to Just Solutions Ltd.

Dear Sir,

This is reference to my meeting with you and Mr. Sharif Ahmed Ba'alawi regarding outstanding payment of Just Solutions Ltd.

We hereby authorize you to transfer a sum of US$400,000.00 (US Dollars Four Hundred Thousand Only) and adjust the same from the outstanding amount with Just Solutions Ltd.

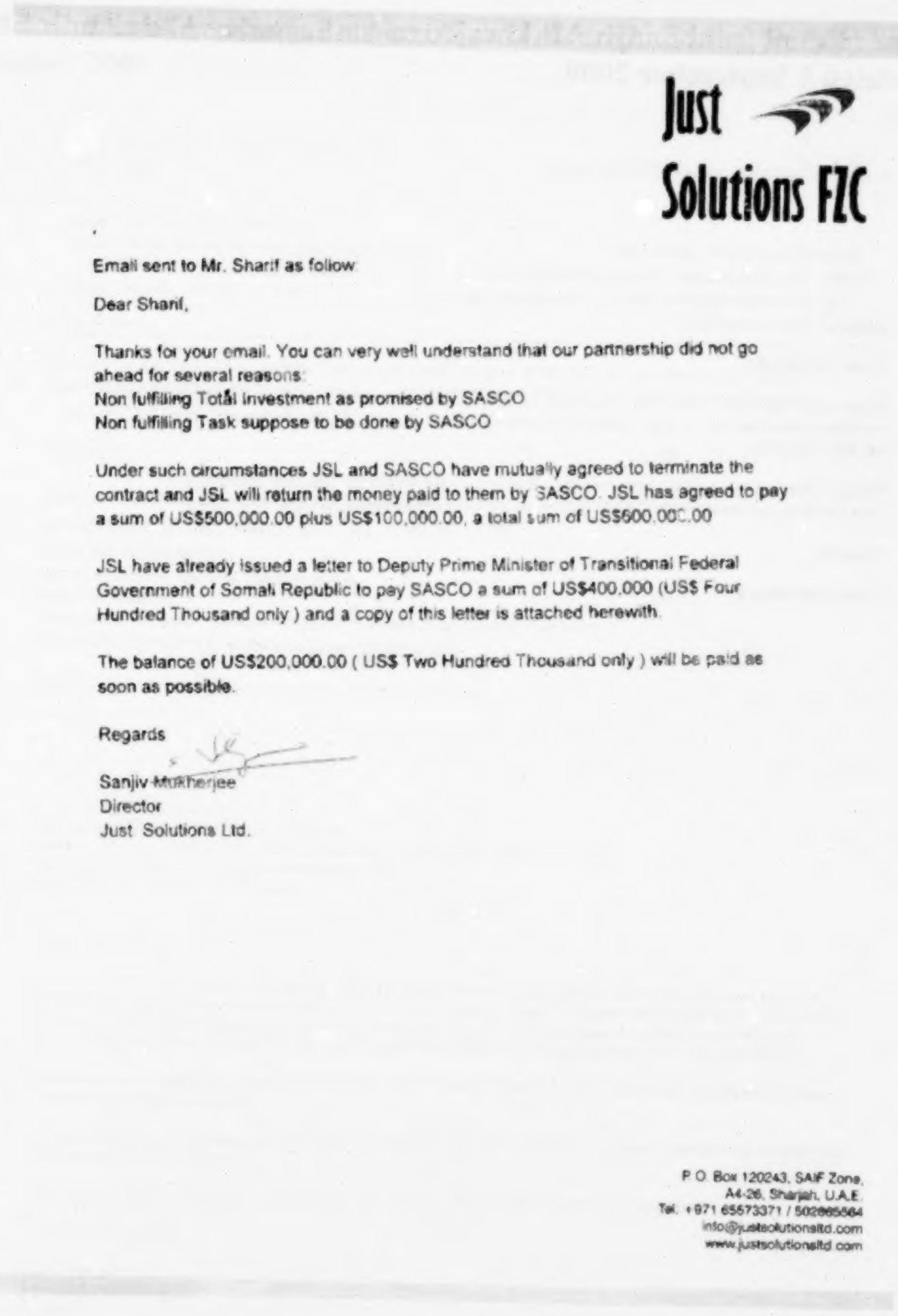
Mr. Sharif Ahmed Ba'alawi
Sasco Logistics (LLC)
Dubai.

We hope you settle this matter amicably and our co-operation with TFG is always there as usual.

Yours faithfully,
For Just Solutions Ltd.

Sanjiv Mukherjee
Director

P. O. Box 120243, SAIF Zone,
A4-26, Sharjah, U.A.E.
Tel: +971 65573371 / 502865564
info@justsolutionsltd.com
www.justsolutionsltd.com



Just
Solutions FZC

Email sent to Mr. Sharif as follow:

Dear Sharif,

Thanks for your email. You can very well understand that our partnership did not go ahead for several reasons:
Non fulfilling Totål investment as promised by SASCO
Non fulfilling Task suppose to be done by SASCO

Under such circumstances JSL and SASCO have mutually agreed to terminate the contract and JSL will return the money paid to them by SASCO. JSL has agreed to pay a sum of US$500,000.00 plus US$100,000.00, a total sum of US$600,000.00

JSL have already issued a letter to Deputy Prime Minister of Transitional Federal Government of Somali Republic to pay SASCO a sum of US$400,000 (US$ Four Hundred Thousand only) and a copy of this letter is attached herewith.

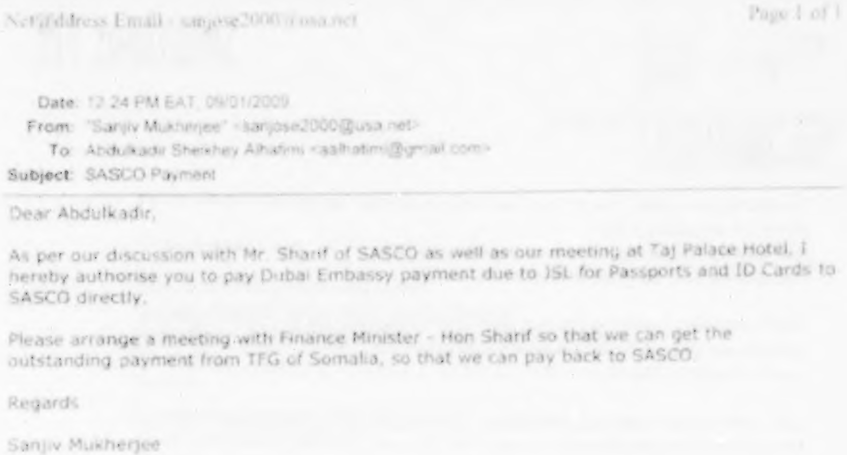
The balance of US$200,000.00 (US$ Two Hundred Thousand only) will be paid as soon as possible.

Regards

Sanjiv Mukherjee
Director
Just Solutions Ltd.

P O. Box 120243, SAIF Zone,
A4-26, Sharjah, U.A.E.
Tel. +971 65573371 / 502665564
info@justsolutionsltd.com
www.justsolutionsltd.com

Annex 1.2.m.: Email from Sanjiv Mukherjee to Ambassador Abdulkadir Sheikhey Al-Hatimi dated 1 September 2009



NetAddress Email - sanjose2000@usa.net

Page 1 of 1

Date: 12:24 PM EAT, 09/01/2009
From: "Sanjiv Mukherjee" <sanjose2000@usa.net>
To: Abdulkadir Sheikhey Alhatimi <aalhatimi@gmail.com>
Subject: SASCO Payment

Dear Abdulkadir,

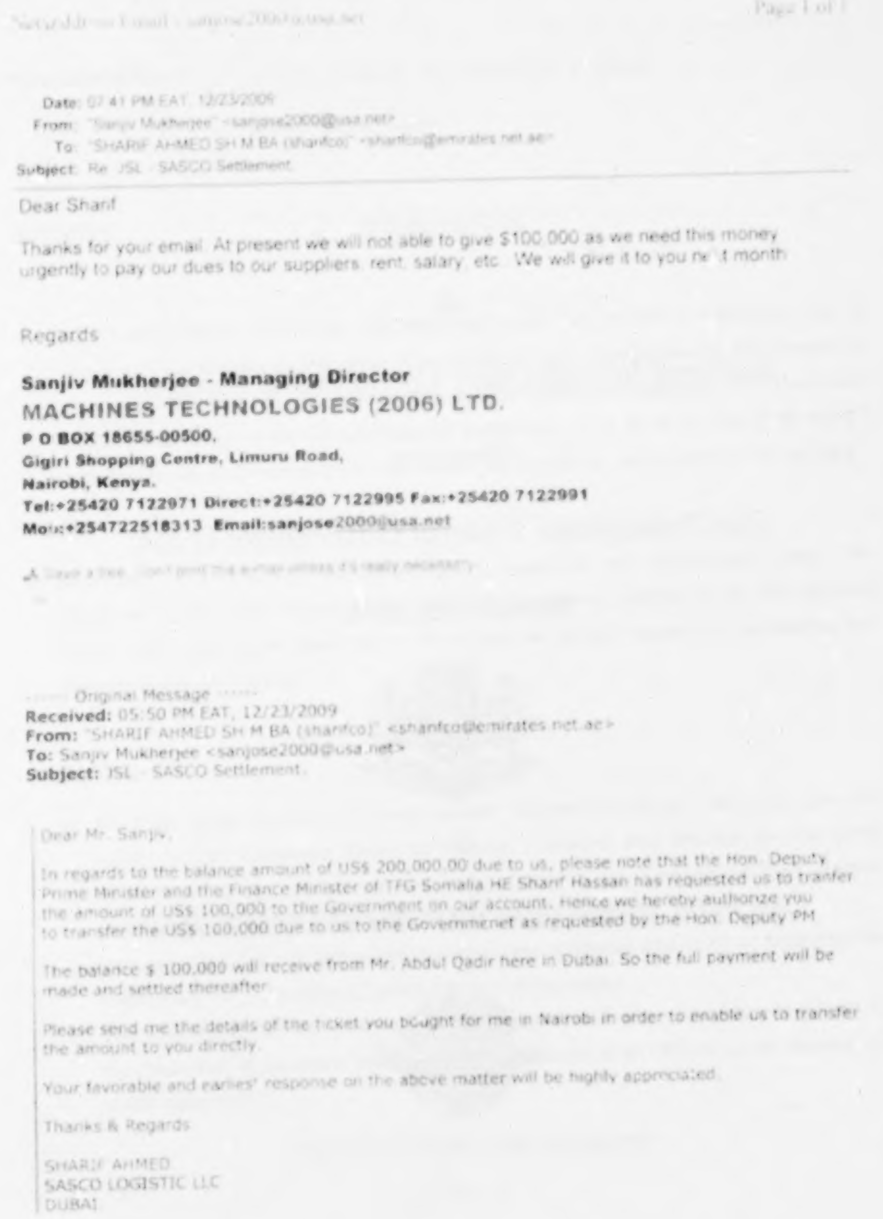
As per our discussion with Mr. Sharif of SASCO as well as our meeting at Taj Palace Hotel, I hereby authorise you to pay Dubai Embassy payment due to JSL for Passports and ID Cards to SASCO directly.

Please arrange a meeting with Finance Minister - Hon Sharif so that we can get the outstanding payment from TFG of Somalia, so that we can pay back to SASCO.

Regards

Sanjiv Mukherjee

Annex 1.2.n.: Email exchange between Sharif Ahmed and Sanjiv Mukherjee dated 23 December 2009



NetAddress Email : sanjose2000@usa.net

Page 1 of 1

Date: 07 41 PM EAT, 12/23/2009
From: "Sanjiv Mukherjee" <sanjose2000@usa.net>
To: "SHARIF AHMED SH M BA (sharifco)" <sharifco@emirates.net.ae>
Subject: Re: JSL - SASCO Settlement

Dear Sharif

Thanks for your email. At present we will not able to give $100,000 as we need this money urgently to pay our dues to our suppliers, rent, salary, etc. We will give it to you ne t month

Regards

Sanjiv Mukherjee - Managing Director
MACHINES TECHNOLOGIES (2006) LTD.
P O BOX 18655-00500,
Gigiri Shopping Centre, Limuru Road,
Nairobi, Kenya.
Tel:+25420 7122071 Direct:+25420 7122995 Fax:+25420 7122991
Mob:+254722518313 Email:sanjose2000@usa.net

Save a tree...Don't print this e-mail unless it's really necessary

------ Original Message ------
Received: 05:50 PM EAT, 12/23/2009
From: "SHARIF AHMED SH M BA (sharifco)" <sharifco@emirates.net.ae>
To: Sanjiv Mukherjee <sanjose2000@usa.net>
Subject: JSL - SASCO Settlement.

Dear Mr. Sanjiv,

In regards to the balance amount of US$ 200,000.00 due to us, please note that the Hon. Deputy Prime Minister and the Finance Minister of TFG Somalia HE Sharif Hassan has requested us to tranfer the amount of US$ 100,000 to the Government on our account. Hence we hereby authorize you to transfer the US$ 100,000 due to us to the Governmenet as requested by the Hon. Deputy PM

The balance $ 100,000 will receive from Mr. Abdul Qadir here in Dubai. So the full payment will be made and settled thereafter.

Please send me the details of the ticket you bought for me in Nairobi in order to enable us to transfer the amount to you directly.

Your favorable and earliest response on the above matter will be highly appreciated.

Thanks & Regards

SHARIF AHMED
SASCO LOGISTIC LLC
DUBAI

Annex 1.2.o.: E-Passport and National Identification Card Project Contract Between the Transitional Federal Government of the Somali Republic and Mondial Technlogy Information dated 1 April 2010

E-Passport

&

National Identification Card Project Contract

Between

The Transitional Federal Government of the

Somali Republic

&

MONDIAL TECHNOLOGY INFORMATION

mondial

TECHNOLOGY INFORMATION

THIS AGREEMENT is made on the 1st day of April 2010 at Dubai, United Arab Emirates.

BETWEEN

1. **THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC** acting through and represented by the office of the Prime Minister, duly authorizes the Ministry of Finance and the Directorate of Immigration & Naturalization to represent the Transitional Federal Government of the Somali Republic (hereinafter referred to as **"the First Party"** which expression shall where the context so admits include its successors) of the one part

AND

2. **MONDIAL TECHNOLOGY INFORMATION** a company duly incorporated under the provisions of the Laws of United Arab Emirates (hereinafter referred to as **"the Second Party"** which expression shall where the context so admits include its successors and assigns) of the second part.

WHEREAS:

A. **The First Party** desires to appoint a reliable supplier to outsource the production and supply of New Advanced Biometric Somalia Passports and National Identity Cards which meet all the regulations and requirements of the International Civil Aviation Organization (ICAO) (hereinafter referred to as **"the Project"**).

B. **The Second Party** has expressed its willingness readiness and ability to undertake the outsourcing the production & implementation of the project.

C. **The First Party** desires to outsource the most secure modern and efficient system for the production of passports and national identity cards to its citizens as per Appendix A of this agreement.

This Agreement consists of Four (4) original sets. Each Party will hold its Two (2) original sets, each set consisting of Twenty Three (23) written clauses on 13 pages and Appendix A

AS WITNESS the hands of the duly authorized representatives of the parties hereto the day and the year first before written.

Signed for and on behalf of:

THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC

Name: HIS EXCELLENCY HONORABLE HASSAN SHEIKH ADEN IŚSAK

Position: Deputy Prime Minister and Minister of Finance

Signature: ____________________

Transitional Federal Government
Of the Somali Republic
Ministry of Finance
Hon. Shariif Hassan Sheikh Ader
Deputy Prime Minister
Minister Of Finance

Name: Abdullahi Gafow Mohamud

Position: Director of Immigration & Naturalization

Signature: ____________________

Signed for and on behalf of:

MONDIAL TECHNOLOGY INFORMATION

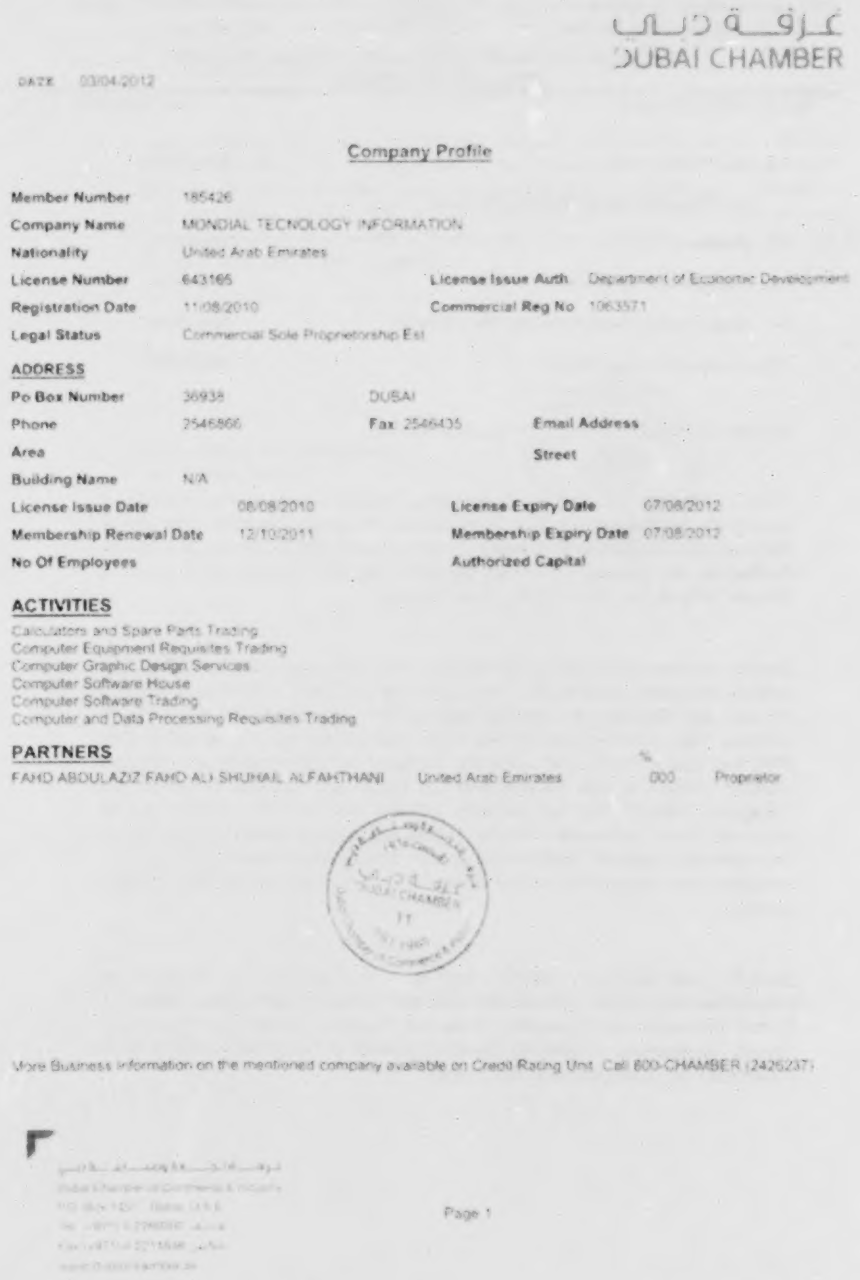
Name: FAHAD ABDULAZIZ FAHAD ALI SHUHEIL ALQAHTANI

Position: OWNER

Signature: ____________________

12

Annex 1.2.p.: Mondial Technology Information company profile Dubai Chamber of Commerce & Industry



غرفة دبي
DUBAI CHAMBER

DATE 03/04/2012

Company Profile

Member Number	185426		
Company Name	MONDIAL TECNOLOGY INFORMATION		
Nationality	United Arab Emirates		
License Number	643165	**License Issue Auth**	Department of Economic Development
Registration Date	11/08/2010	**Commercial Reg No**	1063571
Legal Status	Commercial Sole Proprietorship Est		

ADDRESS

Po Box Number	36938	DUBAI			
Phone	2546866	**Fax** 2546435		**Email Address**	
Area				**Street**	
Building Name	N/A				

License Issue Date	08/08/2010	**License Expiry Date**	07/08/2012
Membership Renewal Date	12/10/2011	**Membership Expiry Date**	07/08/2012
No Of Employees		**Authorized Capital**	

ACTIVITIES

Calculators and Spare Parts Trading
Computer Equipment Requisites Trading
Computer Graphic Design Services
Computer Software House
Computer Software Trading
Computer and Data Processing Requisites Trading

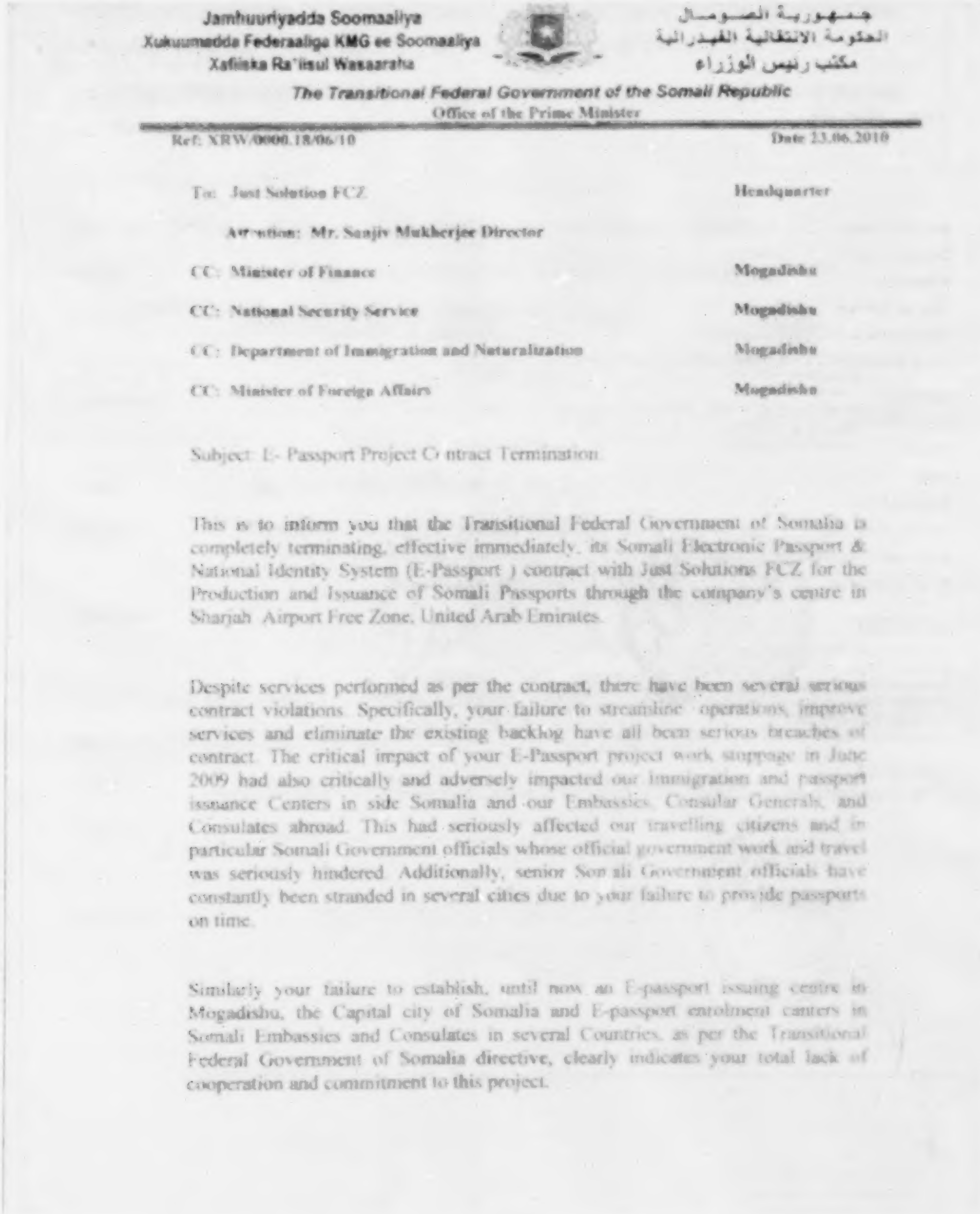
PARTNERS

		%	
FAHD ABDULAZIZ FAHD ALI SHUHAIL ALFAHTHANI	United Arab Emirates	000	Proprietor

More Business Information on the mentioned company available on Credit Rating Unit. Call 800-CHAMBER (2426237)

Page 1

Annex 1.2.q.: Letter from former TFG PM Omar A. A. Sharmarke to JSL dated 23 June 2010



Jamhuuriyadda Soomaaliya
Xukuumadda Federaaliga KMG ee Soomaaliya
Xafiiska Ra'iisul Wasaaraha

جمهورية الصومال
الحكومة الانتقالية الفيدرالية
مكتب رئيس الوزراء

The Transitional Federal Government of the Somali Republic
Office of the Prime Minister

Ref: XRW/0000.18/06/10

Date 23.06.2010

To: Just Solution FCZ — **Headquarter**

Attention: Mr. Sanjiv Mukherjee Director

CC: Minister of Finance — **Mogadishu**

CC: National Security Service — **Mogadishu**

CC: Department of Immigration and Naturalization — **Mogadishu**

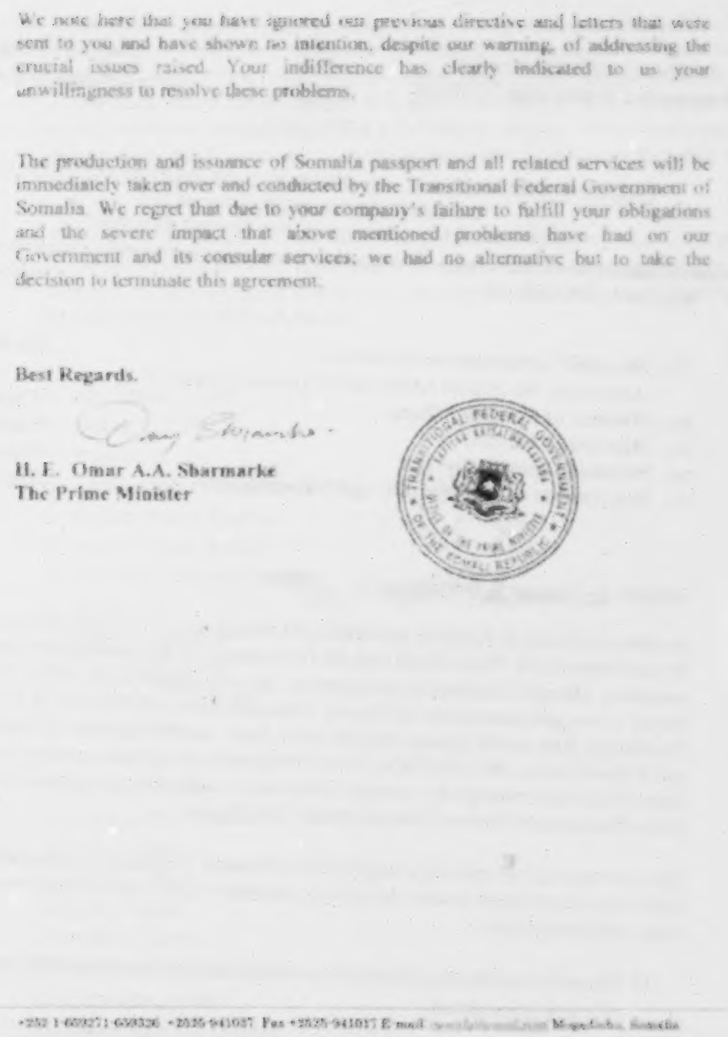
CC: Minister of Foreign Affairs — **Mogadisho**

Subject: E- Passport Project Contract Termination

This is to inform you that the Transitional Federal Government of Somalia is completely terminating, effective immediately, its Somali Electronic Passport & National Identity System (E-Passport) contract with Just Solutions FCZ for the Production and Issuance of Somali Passports through the company's centre in Sharjah Airport Free Zone, United Arab Emirates.

Despite services performed as per the contract, there have been several serious contract violations. Specifically, your failure to streamline operations, improve services and eliminate the existing backlog have all been serious breaches of contract. The critical impact of your E-Passport project work stoppage in June 2009 had also critically and adversely impacted our Immigration and passport issuance Centers in side Somalia and our Embassies, Consular Generals, and Consulates abroad. This had seriously affected our travelling citizens and in particular Somali Government officials whose official government work and travel was seriously hindered. Additionally, senior Somali Government officials have constantly been stranded in several cities due to your failure to provide passports on time.

Similarly your failure to establish, until now an E-passport issuing centre in Mogadishu, the Capital city of Somalia and E-passport enrolment canters in Somali Embassies and Consulates in several Countries, as per the Transitional Federal Government of Somalia directive, clearly indicates your total lack of cooperation and commitment to this project.



We note here that you have ignored our previous directive and letters that were sent to you and have shown no intention, despite our warning, of addressing the crucial issues raised. Your indifference has clearly indicated to us your unwillingness to resolve these problems.

The production and issuance of Somalia passport and all related services will be immediately taken over and conducted by the Transitional Federal Government of Somalia. We regret that due to your company's failure to fulfill your obligations and the severe impact that above mentioned problems have had on our Government and its consular services; we had no alternative but to take the decision to terminate this agreement.

Best Regards.

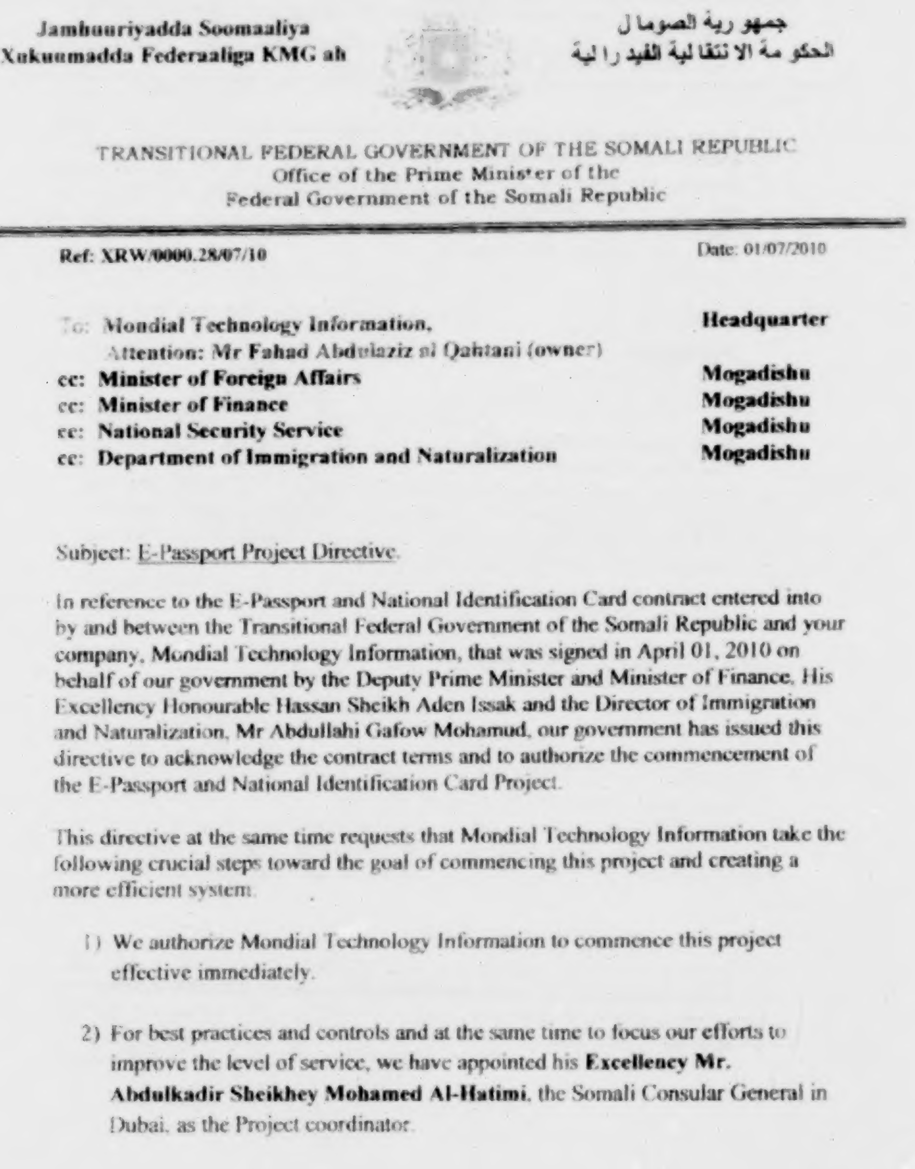
Omar Sharmarke

H. E. Omar A.A. Sharmarke
The Prime Minister

Office of the Prime Minister

+252 1 600271 650326 +2525 941037 Fax +2525 941017 E-mail [illegible] Mogadishu, Somalia

Annex 1.2.r.: Letter from former TFG PM Omar A. Sharmarke to MTI dated 1 July 2010



Jamhuuriyadda Soomaaliya
Xukuumadda Federaaliga KMG ah

جمهو رية الصوما ل
الحكو مة الا نتقا لية الفيد را لية

TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC
Office of the Prime Minister of the
Federal Government of the Somali Republic

Ref: XRW/0000.28/07/10 Date: 01/07/2010

To: **Mondial Technology Information,** **Headquarter**
Attention: Mr Fahad Abdulaziz al Qahtani (owner)
cc: **Minister of Foreign Affairs** **Mogadishu**
cc: **Minister of Finance** **Mogadishu**
cc: **National Security Service** **Mogadishu**
cc: **Department of Immigration and Naturalization** **Mogadishu**

Subject: E-Passport Project Directive.

In reference to the E-Passport and National Identification Card contract entered into by and between the Transitional Federal Government of the Somali Republic and your company, Mondial Technology Information, that was signed in April 01, 2010 on behalf of our government by the Deputy Prime Minister and Minister of Finance, His Excellency Honourable Hassan Sheikh Aden Issak and the Director of Immigration and Naturalization, Mr Abdullahi Gafow Mohamud, our government has issued this directive to acknowledge the contract terms and to authorize the commencement of the E-Passport and National Identification Card Project.

This directive at the same time requests that Mondial Technology Information take the following crucial steps toward the goal of commencing this project and creating a more efficient system.

1) We authorize Mondial Technology Information to commence this project effective immediately.

2) For best practices and controls and at the same time to focus our efforts to improve the level of service, we have appointed his **Excellency Mr. Abdulkadir Sheikhey Mohamed Al-Hatimi**, the Somali Consular General in Dubai, as the Project coordinator.

3) In our quest to provide good governance and transparency in the conduct of all government transactions, we request that your company, Mondial Technology Information, provide a monthly report to the Ministry of Finance on the number of passports issued for all stations both inside and outside Somalia and all monies collected and deposited in the E-Passport account. This report must clearly show the Transitional Federal Government of the Somali Republic's share of this revenue.

4) To improve the quality of service delivery, increase efficiency, and facilitate travel for all Somali citizens, we request that Mondial Technology Information establish E-Passport enrolment centres, as soon as possible, in the following Somali Embassies and Consulates:

1. Abu Dhabi, U.A.E.
2. Dubai, U.A.E.
3. Nairobi, Kenya
4. Addis Ababa, Ethiopia
5. Riyadh, Saudi Arabia
6. Jeddah, Saudi Arabia
7. Djibouti, Djibouti Republic
8. Rome, Italy
9. Jakarta, Indonesia
10. New Delhi, India
11. Islamabad, Pakistan
12. Beijing, China
13. Tehran, Iran
14. Ankara, Turkey
15. Kuwait City, Kuwait
16. Doha, Qatar
17. Muscat, Oman
18. Cairo, Egypt
19. Tripoli, Libya
20. Sana'a and Aden, Yemen
21. Khartoum, Sudan
22. Dar es Salam, Tanzania
23. Kampala, Uganda
24. Geneva, Switzerland
25. Paris, France

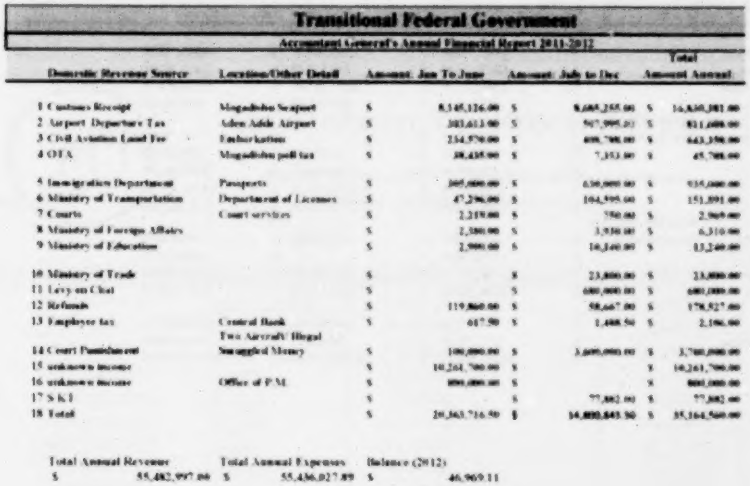
26.Berlin, Germany
27.Damascus, Syria
28.Lusaka, Zambia

Best Regards,

His Excellency Omar Abdirashid Sharmarke
The Prime Minister

TRANSITIONAL FEDERAL GOVERNMENT
OFFICE OF THE PRIME MINISTER
SOMALI REPUBLIC

Annex 1.2.s.: TFG Accountant General annual financial report 2011-2012

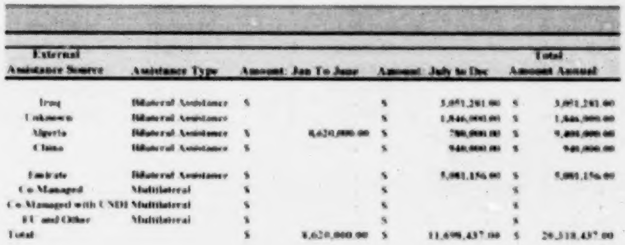


Transitional Federal Government

Accountant General's Annual Financial Report 2011-2012

Domestic Revenue Source	Location/Other Detail	Amount: Jan To June	Amount: July to Dec	Total Amount Annual
1 Customs Receipt	Mogadishu Seaport	$ 8,145,126.00	$ 8,685,255.00	$ 16,830,381.00
2 Airport Departure Tax	Aden Adde Airport	$ 303,613.00	$ 507,995.00	$ 811,608.00
3 Civil Aviation Land Fee	Embarkation	$ 234,570.00	$ 408,780.00	$ 643,350.00
4 OTA	Mogadishu poll tax	$ 38,435.00	$ 7,353.00	$ 45,788.00
5 Immigration Department	Passports	$ 305,000.00	$ 630,000.00	$ 935,000.00
6 Ministry of Transportation	Department of Licenses	$ 47,296.00	$ 104,595.00	$ 151,891.00
7 Courts	Court services	$ 2,219.00	$ 750.00	$ 2,969.00
8 Ministry of Foreign Affairs		$ 2,380.00	$ 3,930.00	$ 6,310.00
9 Ministry of Education		$ 2,900.00	$ 10,340.00	$ 13,240.00
10 Ministry of Trade		$	$ 23,800.00	$ 23,800.00
11 Levy on Chat		$	$ 600,000.00	$ 600,000.00
12 Refunds		$ 119,860.00	$ 58,667.00	$ 178,527.00
13 Employee tax	Central Bank	$ 617.50	$ 1,488.50	$ 2,106.00
14 Court Punishment	Two Aircraft/ Illegal Smuggled Money	$ 100,000.00	$ 3,600,000.00	$ 3,700,000.00
15 unknown income		$ 10,261,700.00	$	$ 10,261,700.00
16 unknown income	Office of P.M.	$ 800,000.00	$	$ 800,000.00
17 S K I		$	$ 77,882.00	$ 77,882.00
18 Total		$ 20,363,716.50	$ 14,800,843.50	$ 35,164,560.00

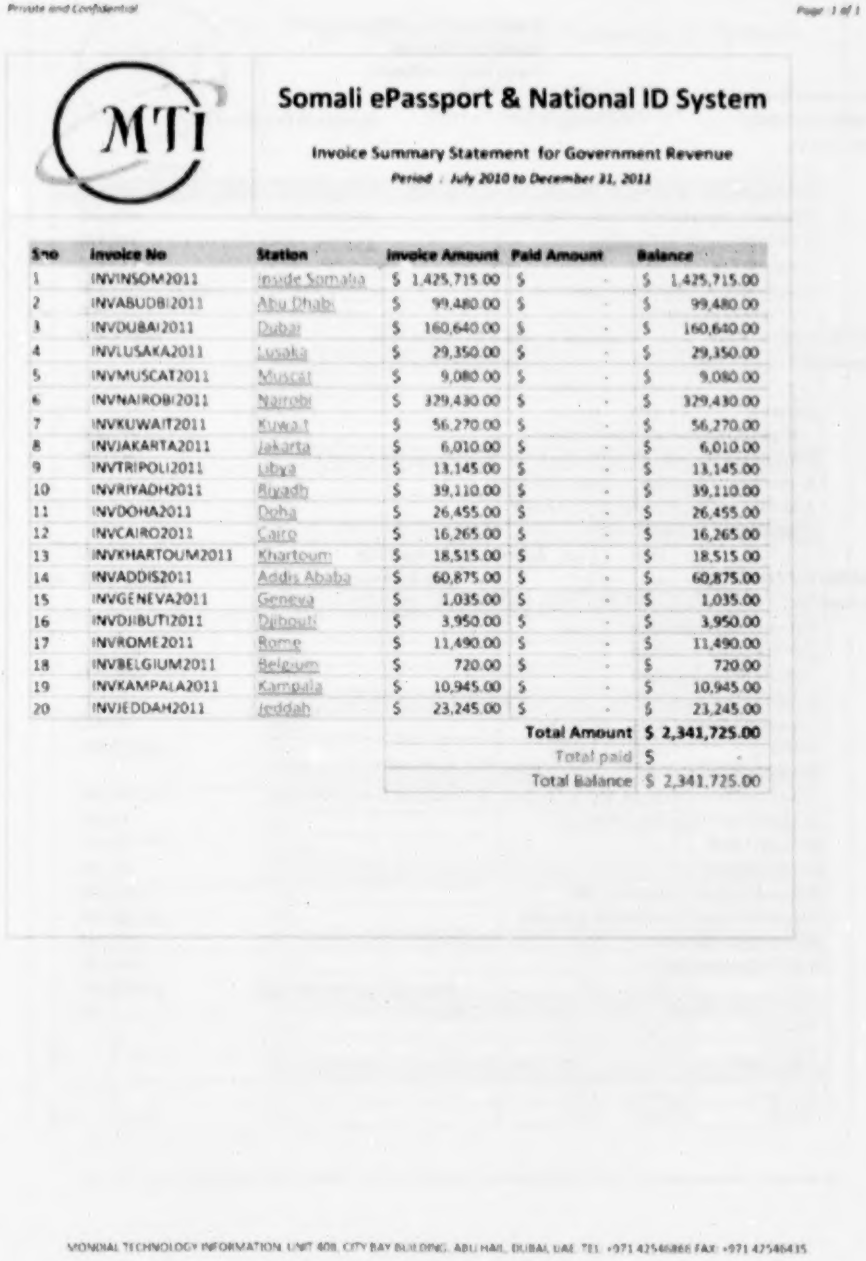
Total Annual Revenue	Total Annual Expenses	Balance (2012)
$ 55,482,997.00	$ 55,436,027.89	$ 46,969.11



External Assistance Source	Assistance Type	Amount: Jan To June	Amount: July to Dec	Total Amount Annual
Iraq	Bilateral Assistance	$	$ 3,051,281.00	$ 3,051,281.00
Unknown	Bilateral Assistance		$ 1,846,000.00	$ 1,846,000.00
Algeria	Bilateral Assistance	$ 8,620,000.00	$ 780,000.00	$ 9,400,000.00
China	Bilateral Assistance	$	$ 940,000.00	$ 940,000.00
Emirate	Bilateral Assistance	$	$ 5,081,156.00	$ 5,081,156.00
Co Managed	Multilateral	$	$	$
Co Managed with UNDP	Multilateral	$	$	$
EU and Other	Multilateral	$	$	$
Total		$ 8,620,000.00	$ 11,698,437.00	$ 20,318,437.00

Expenses Source	Details:		Amount: Jan To June		Amount: July to Dec		Total Amount Annual
Office of the President		$	2,189,759.00	$	2,659,002.00	$	4,848,761.00
Office of the Speaker		$	1,219,316.00	$	947,845.00	$	2,167,161.00
Office of Prime Minister		$	3,364,607.00	$	2,271,357.91	$	5,635,964.91
Supreme & Judiciary Court		$	263,846.00	$	329,917.00	$	593,763.00
Immigration Department	Appeal & Banadir Courts, Afir	$	67,000.00	$	-	$	67,000.00
Embassies		$	148,080.00	$	60,000.00	$	208,080.00
Mps		$	2,870,100.00	$	2,291,842.00	$	5,161,942.00
Ministries		$	5,751,324.91	$	9,632,025.79	$	15,383,350.70
National Security		$	7,441,454.00	$	5,976,175.00	$	13,417,629.00
Financial Institutions	Food, Medicine, Air Transportation	$	214,648.00	$	451,295.00	$	665,943.00
Other Contingency		$	3,108,378.32	$	-	$	3,108,378.32
Constitutional Commissions & Bodies		$	128,000.00	$	200,366.50	$	328,366.50
Local Government		$	1,221,768.90	$	1,269,234.00	$	2,491,002.90
Bank Commission		$	579,674.33	$	529,985.61	$	1,109,659.94
Amal Bank Commission		$	172,400.00	$	76,625.62	$	249,025.62
Total:		$	28,740,356.46	$	26,695,671.43	$	55,436,027.89

Annex 1.2.t.: MTI invoice summary statement for government revenue, period: July 2010 to 31 December 2011



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MTI

Somali ePassport & National ID System

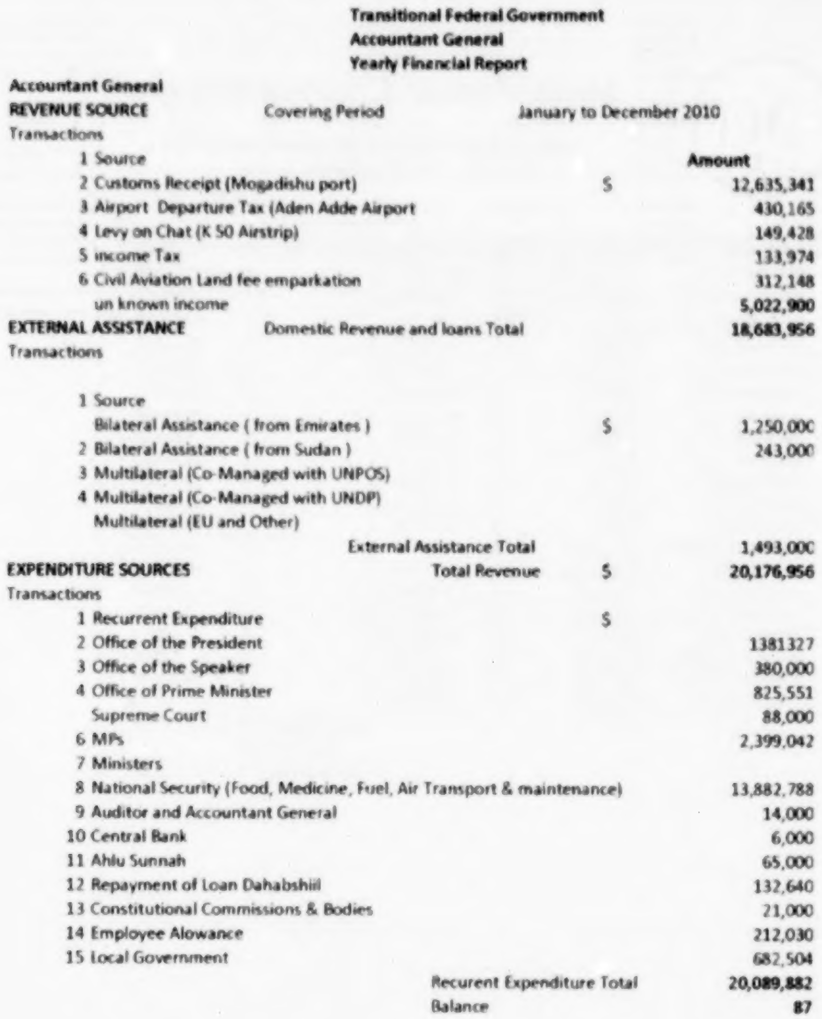
Invoice Summary Statement for Government Revenue

Period : July 2010 to December 31, 2011

Sno	Invoice No	Station	Invoice Amount	Paid Amount	Balance
1	INVINSOM2011	Inside Somalia	$ 1,425,715.00	$ -	$ 1,425,715.00
2	INVABUDBI2011	Abu Dhabi	$ 99,480.00	$ -	$ 99,480.00
3	INVDUBAI2011	Dubai	$ 160,640.00	$ -	$ 160,640.00
4	INVLUSAKA2011	Lusaka	$ 29,350.00	$ -	$ 29,350.00
5	INVMUSCAT2011	Muscat	$ 9,080.00	$ -	$ 9,080.00
6	INVNAIROBI2011	Nairobi	$ 329,430.00	$ -	$ 329,430.00
7	INVKUWAIT2011	Kuwait	$ 56,270.00	$ -	$ 56,270.00
8	INVJAKARTA2011	Jakarta	$ 6,010.00	$ -	$ 6,010.00
9	INVTRIPOLI2011	Libya	$ 13,145.00	$ -	$ 13,145.00
10	INVRIYADH2011	Riyadh	$ 39,110.00	$ -	$ 39,110.00
11	INVDOHA2011	Doha	$ 26,455.00	$ -	$ 26,455.00
12	INVCAIRO2011	Cairo	$ 16,265.00	$ -	$ 16,265.00
13	INVKHARTOUM2011	Khartoum	$ 18,515.00	$ -	$ 18,515.00
14	INVADDIS2011	Addis Ababa	$ 60,875.00	$ -	$ 60,875.00
15	INVGENEVA2011	Geneva	$ 1,035.00	$ -	$ 1,035.00
16	INVDJIBUTI2011	Djibouti	$ 3,950.00	$ -	$ 3,950.00
17	INVROME2011	Rome	$ 11,490.00	$ -	$ 11,490.00
18	INVBELGIUM2011	Belgium	$ 720.00	$ -	$ 720.00
19	INVKAMPALA2011	Kampala	$ 10,945.00	$ -	$ 10,945.00
20	INVJEDDAH2011	Jeddah	$ 23,245.00	$ -	$ 23,245.00
				Total Amount	**$ 2,341,725.00**
				Total paid	$ -
				Total Balance	$ 2,341,725.00

MONDIAL TECHNOLOGY INFORMATION, UNIT 408, CITY BAY BUILDING, ABU HAIL, DUBAI, UAE. TEL: +971 42546866 FAX: +971 42546435

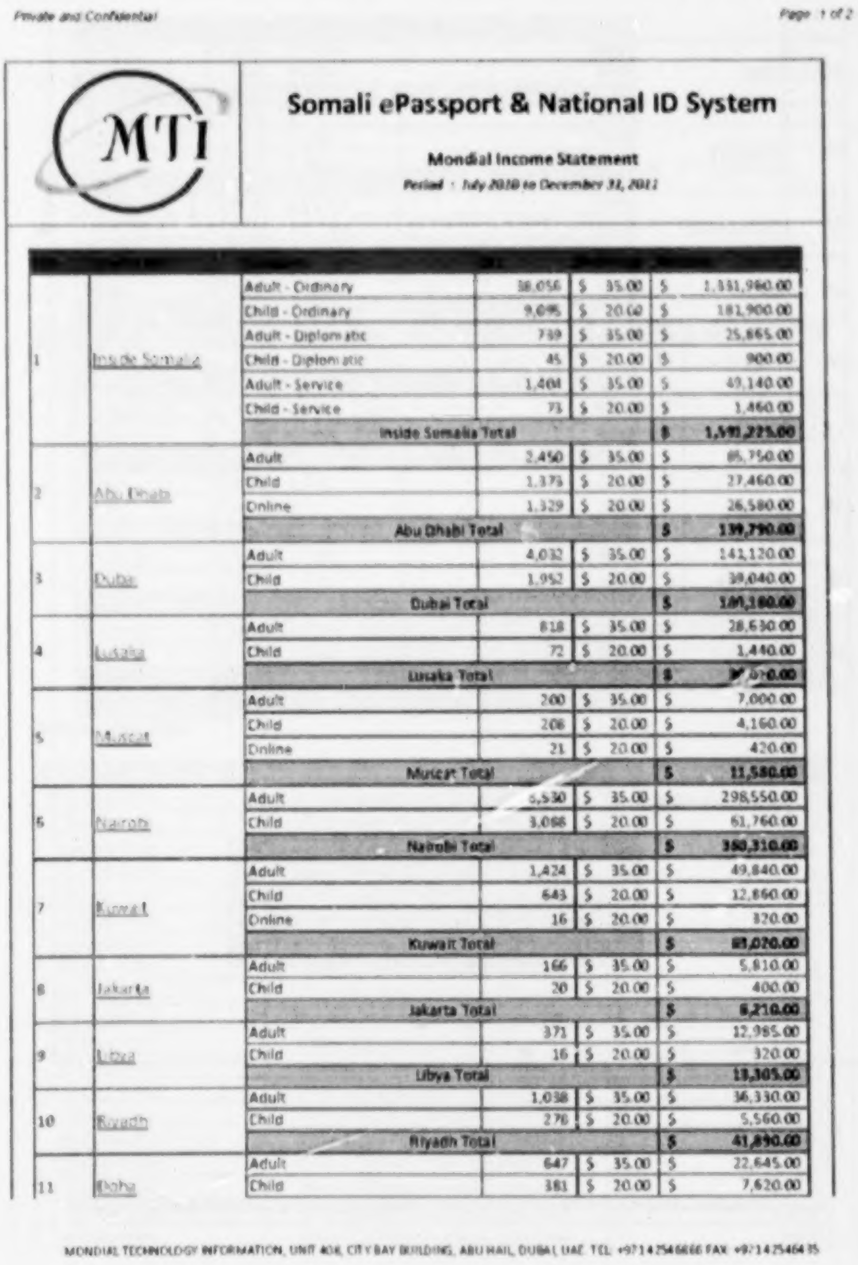
Annex 1.2.u.: TFG Accountant General yearly financial report 2010



Transitional Federal Government
Accountant General
Yearly Financial Report

Accountant General				
REVENUE SOURCE		Covering Period	January to December 2010	
Transactions				
	1	Source		**Amount**
	2	Customs Receipt (Mogadishu port)	$	12,635,341
	3	Airport Departure Tax (Aden Adde Airport		430,165
	4	Levy on Chat (K 50 Airstrip)		149,428
	5	income Tax		133,974
	6	Civil Aviation Land fee emparkation		312,148
		un known income		**5,022,900**
EXTERNAL ASSISTANCE		Domestic Revenue and loans Total		**18,683,956**
Transactions				
	1	Source		
		Bilateral Assistance (from Emirates)	$	1,250,00C
	2	Bilateral Assistance (from Sudan)		243,000
	3	Multilateral (Co-Managed with UNPOS)		
	4	Multilateral (Co-Managed with UNDP)		
		Multilateral (EU and Other)		
		External Assistance Total		1,493,00C
EXPENDITURE SOURCES		Total Revenue	$	**20,176,956**
Transactions				
	1	Recurrent Expenditure	$	
	2	Office of the President		1381327
	3	Office of the Speaker		380,000
	4	Office of Prime Minister		825,551
		Supreme Court		88,000
	6	MPs		2,399,042
	7	Ministers		
	8	National Security (Food, Medicine, Fuel, Air Transport & maintenance)		13,882,788
	9	Auditor and Accountant General		14,000
	10	Central Bank		6,000
	11	Ahlu Sunnah		65,000
	12	Repayment of Loan Dahabshiil		132,640
	13	Constitutional Commissions & Bodies		21,000
	14	Employee Alowance		212,030
	15	Local Government		682,504
		Recurent Expenditure Total		**20,089,882**
		Balance		**87**

Annex 1.2.v.: MTI income statement, period: July 2010 to 31 December 2011



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MTI

Somali ePassport & National ID System

Mondial Income Statement

Period : July 2010 to December 31, 2011

1	Inside Somalia	Adult - Ordinary	38,056	$ 35.00	$ 1,331,960.00
		Child - Ordinary	9,095	$ 20.00	$ 181,900.00
		Adult - Diplomatic	739	$ 35.00	$ 25,865.00
		Child - Diplomatic	45	$ 20.00	$ 900.00
		Adult - Service	1,404	$ 35.00	$ 49,140.00
		Child - Service	73	$ 20.00	$ 1,460.00
		Inside Somalia Total			**$ 1,591,225.00**
2	Abu Dhabi	Adult	2,450	$ 35.00	$ 85,750.00
		Child	1,373	$ 20.00	$ 27,460.00
		Online	1,329	$ 20.00	$ 26,580.00
		Abu Dhabi Total			**$ 139,790.00**
3	Dubai	Adult	4,032	$ 35.00	$ 141,120.00
		Child	1,952	$ 20.00	$ 39,040.00
		Dubai Total			**$ 180,160.00**
4	Lusaka	Adult	818	$ 35.00	$ 28,630.00
		Child	72	$ 20.00	$ 1,440.00
		Lusaka Total			**$ [illegible]**
5	Muscat	Adult	200	$ 35.00	$ 7,000.00
		Child	208	$ 20.00	$ 4,160.00
		Online	21	$ 20.00	$ 420.00
		Muscat Total			**$ 11,580.00**
6	Nairobi	Adult	8,530	$ 35.00	$ 298,550.00
		Child	3,088	$ 20.00	$ 61,760.00
		Nairobi Total			**$ 360,310.00**
7	Kuwait	Adult	1,424	$ 35.00	$ 49,840.00
		Child	643	$ 20.00	$ 12,860.00
		Online	16	$ 20.00	$ 320.00
		Kuwait Total			**$ 63,020.00**
8	Jakarta	Adult	166	$ 35.00	$ 5,810.00
		Child	20	$ 20.00	$ 400.00
		Jakarta Total			**$ 6,210.00**
9	Libya	Adult	371	$ 35.00	$ 12,985.00
		Child	16	$ 20.00	$ 320.00
		Libya Total			**$ 13,305.00**
10	Riyadh	Adult	1,038	$ 35.00	$ 36,330.00
		Child	278	$ 20.00	$ 5,560.00
		Riyadh Total			**$ 41,890.00**
11	Doha	Adult	647	$ 35.00	$ 22,645.00
		Child	381	$ 20.00	$ 7,620.00

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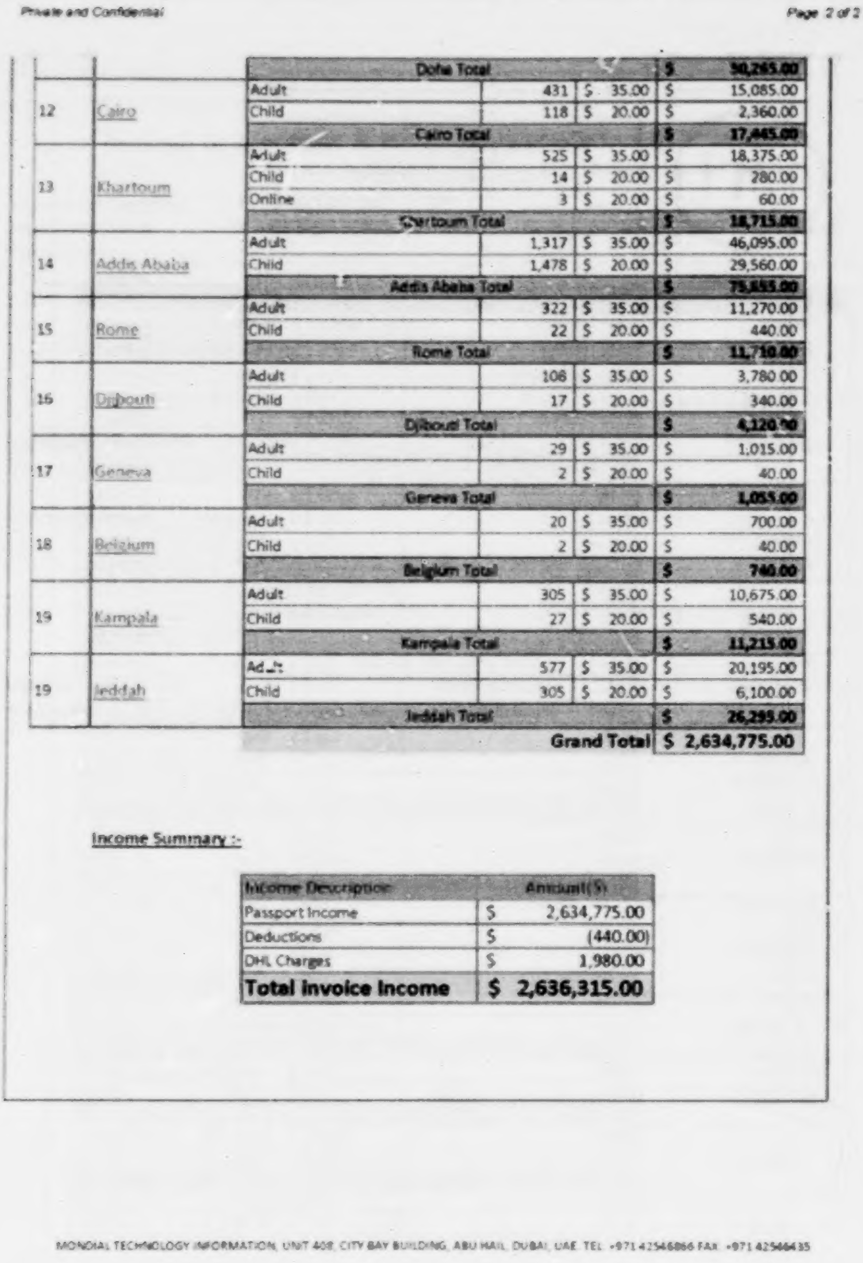
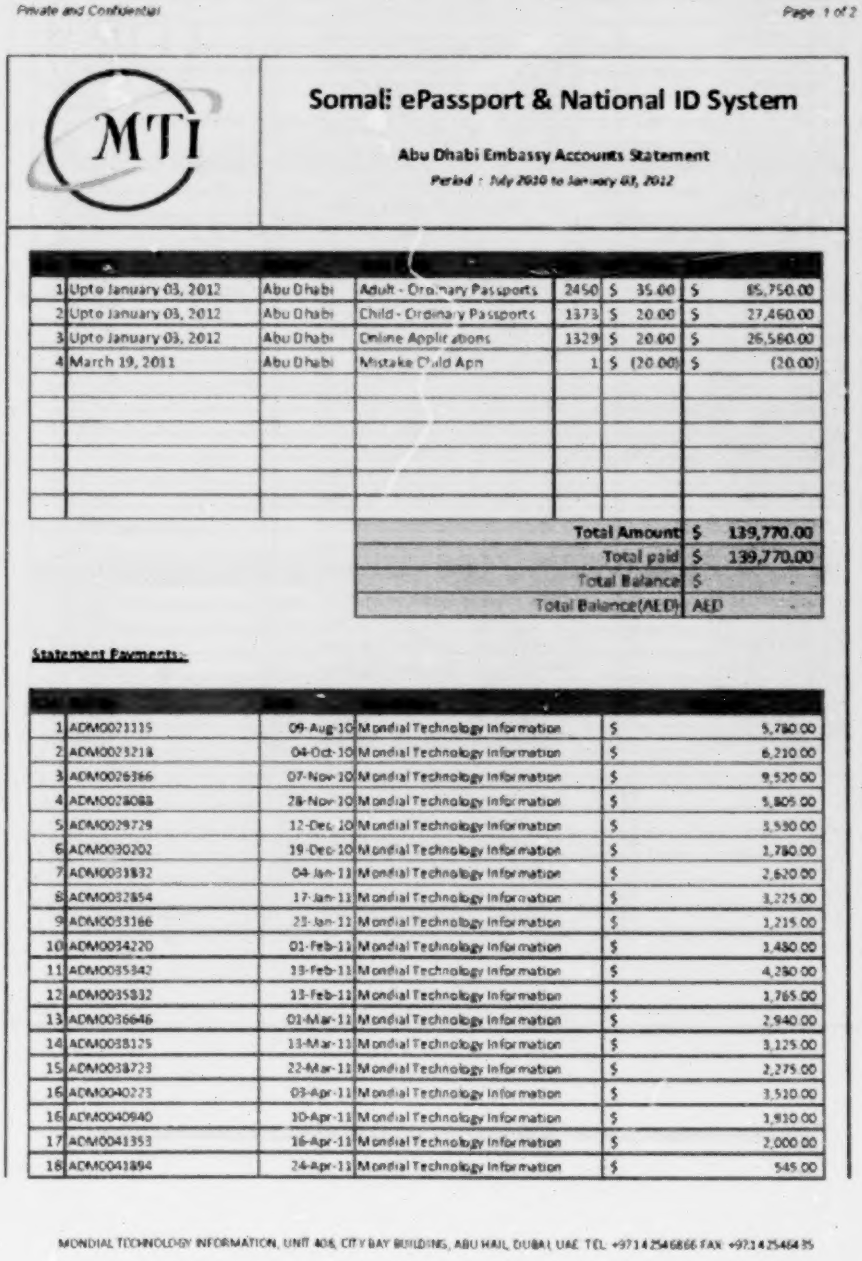


		Doha Total			$ 30,265.00
12	Cairo	Adult	431	$ 35.00	$ 15,085.00
		Child	118	$ 20.00	$ 2,360.00
		Cairo Total			$ 17,445.00
13	Khartoum	Adult	525	$ 35.00	$ 18,375.00
		Child	14	$ 20.00	$ 280.00
		Online	3	$ 20.00	$ 60.00
		Khartoum Total			$ 18,715.00
14	Addis Ababa	Adult	1,317	$ 35.00	$ 46,095.00
		Child	1,478	$ 20.00	$ 29,560.00
		Addis Ababa Total			$ 75,655.00
15	Rome	Adult	322	$ 35.00	$ 11,270.00
		Child	22	$ 20.00	$ 440.00
		Rome Total			$ 11,710.00
16	Djibouti	Adult	108	$ 35.00	$ 3,780.00
		Child	17	$ 20.00	$ 340.00
		Djibouti Total			$ 4,120.00
17	Geneva	Adult	29	$ 35.00	$ 1,015.00
		Child	2	$ 20.00	$ 40.00
		Geneva Total			$ 1,055.00
18	Belgium	Adult	20	$ 35.00	$ 700.00
		Child	2	$ 20.00	$ 40.00
		Belgium Total			$ 740.00
19	Kampala	Adult	305	$ 35.00	$ 10,675.00
		Child	27	$ 20.00	$ 540.00
		Kampala Total			$ 11,215.00
19	Jeddah	Adult	577	$ 35.00	$ 20,195.00
		Child	305	$ 20.00	$ 6,100.00
		Jeddah Total			$ 26,295.00
				Grand Total	**$ 2,634,775.00**

Income Summary :-

Income Description	Amount($)
Passport Income	$ 2,634,775.00
Deductions	$ (440.00)
DHL Charges	$ 1,980.00
Total Invoice Income	**$ 2,636,315.00**

Annex 1.2.w.: Abu Dhabi, Muscat, Kuwait and Khartoum embassies account statements for government revenue, period: July 2010 to 31 December 2011



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MTI

Somali ePassport & National ID System

Abu Dhabi Embassy Accounts Statement

Period : July 2010 to January 03, 2012

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
1	Upto January 03, 2012	Abu Dhabi	Adult - Ordinary Passports	2450	$ 35.00	$ 85,750.00
2	Upto January 03, 2012	Abu Dhabi	Child - Ordinary Passports	1373	$ 20.00	$ 27,460.00
3	Upto January 03, 2012	Abu Dhabi	Online Applications	1329	$ 20.00	$ 26,580.00
4	March 19, 2011	Abu Dhabi	Mistake Child Apn	1	$ (20.00)	$ (20.00)

Total Amount	$	**139,770.00**
Total paid	$	**139,770.00**
Total Balance	$	-
Total Balance(AED)	AED	-

Statement Payments:-

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
1	ADM0021115	09-Aug-10	Mondial Technology Information	$	5,780.00
2	ADM0023218	04-Oct-10	Mondial Technology Information	$	6,210.00
3	ADM0026366	07-Nov-10	Mondial Technology Information	$	9,520.00
4	ADM0028088	28-Nov-10	Mondial Technology Information	$	5,805.00
5	ADM0029729	12-Dec-10	Mondial Technology Information	$	3,530.00
6	ADM0030202	19-Dec-10	Mondial Technology Information	$	1,780.00
7	ADM0031832	04-Jan-11	Mondial Technology Information	$	2,620.00
8	ADM0032854	17-Jan-11	Mondial Technology Information	$	3,225.00
9	ADM0033166	23-Jan-11	Mondial Technology Information	$	1,215.00
10	ADM0034220	01-Feb-11	Mondial Technology Information	$	1,480.00
11	ADM0035342	13-Feb-11	Mondial Technology Information	$	4,280.00
12	ADM0035832	13-Feb-11	Mondial Technology Information	$	1,765.00
13	ADM0036646	01-Mar-11	Mondial Technology Information	$	2,940.00
14	ADM0038125	13-Mar-11	Mondial Technology Information	$	3,125.00
15	ADM0038723	22-Mar-11	Mondial Technology Information	$	2,275.00
16	ADM0040223	03-Apr-11	Mondial Technology Information	$	3,510.00
16	ADM0040940	10-Apr-11	Mondial Technology Information	$	1,910.00
17	ADM0041353	16-Apr-11	Mondial Technology Information	$	2,000.00
18	ADM0041894	24-Apr-11	Mondial Technology Information	$	545.00

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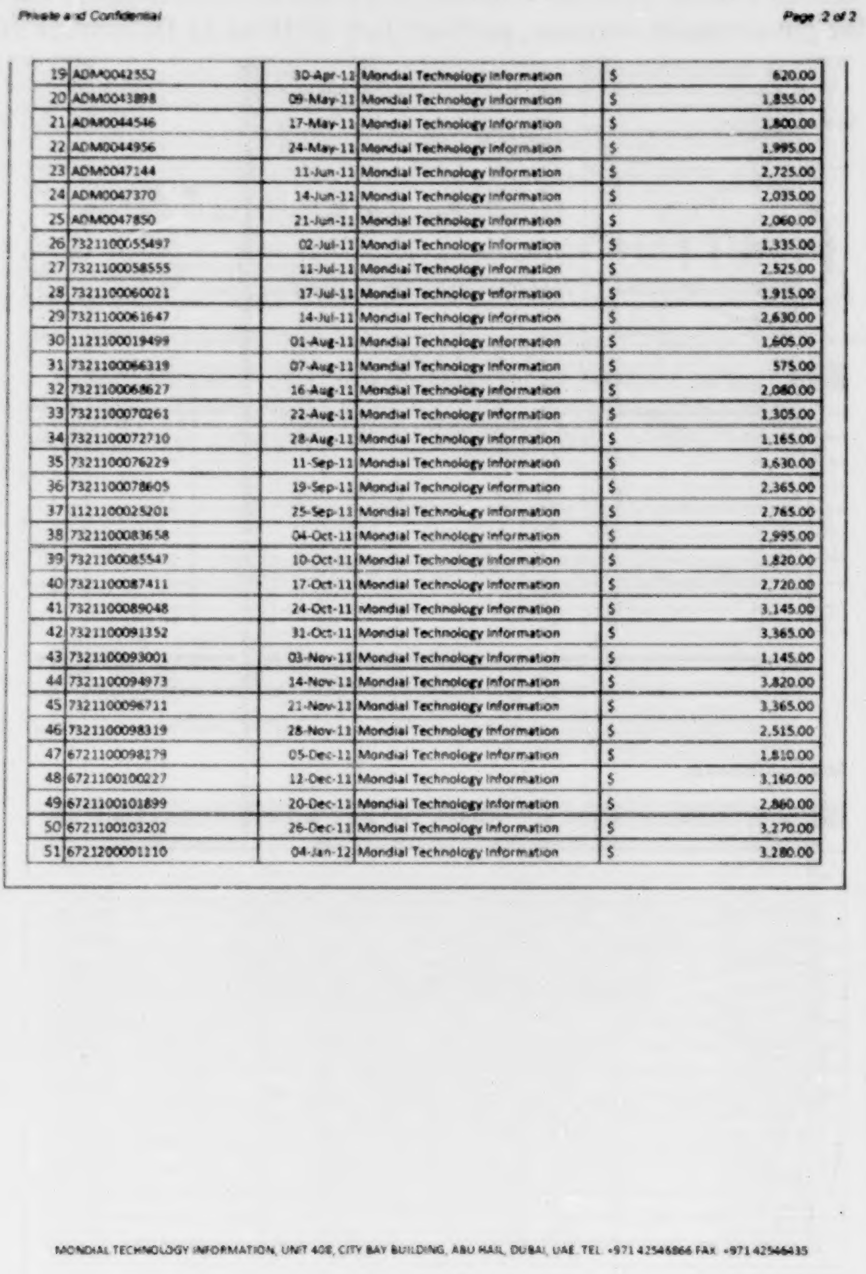

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19	ADM0042552	30-Apr-11	Mondial Technology Information	$	620.00
20	ADM0043898	09-May-11	Mondial Technology Information	$	1,855.00
21	ADM0044546	17-May-11	Mondial Technology Information	$	1,800.00
22	ADM0044956	24-May-11	Mondial Technology Information	$	1,995.00
23	ADM0047144	11-Jun-11	Mondial Technology Information	$	2,725.00
24	ADM0047370	14-Jun-11	Mondial Technology Information	$	2,035.00
25	ADM0047850	21-Jun-11	Mondial Technology Information	$	2,060.00
26	7321100055497	02-Jul-11	Mondial Technology Information	$	1,335.00
27	7321100058555	11-Jul-11	Mondial Technology Information	$	2,525.00
28	7321100060021	17-Jul-11	Mondial Technology Information	$	1,915.00
29	7321100061647	14-Jul-11	Mondial Technology Information	$	2,630.00
30	1121100019499	01-Aug-11	Mondial Technology Information	$	1,605.00
31	7321100066319	07-Aug-11	Mondial Technology Information	$	575.00
32	7321100068627	16-Aug-11	Mondial Technology Information	$	2,080.00
33	7321100070261	22-Aug-11	Mondial Technology Information	$	1,305.00
34	7321100072710	28-Aug-11	Mondial Technology Information	$	1,165.00
35	7321100076229	11-Sep-11	Mondial Technology Information	$	3,630.00
36	7321100078605	19-Sep-11	Mondial Technology Information	$	2,365.00
37	1121100025201	25-Sep-11	Mondial Technology Information	$	2,765.00
38	7321100083658	04-Oct-11	Mondial Technology Information	$	2,995.00
39	7321100085547	10-Oct-11	Mondial Technology Information	$	1,820.00
40	7321100087411	17-Oct-11	Mondial Technology Information	$	2,720.00
41	7321100089048	24-Oct-11	Mondial Technology Information	$	3,145.00
42	7321100091352	31-Oct-11	Mondial Technology Information	$	3,365.00
43	7321100093001	03-Nov-11	Mondial Technology Information	$	1,145.00
44	7321100094973	14-Nov-11	Mondial Technology Information	$	3,820.00
45	7321100096711	21-Nov-11	Mondial Technology Information	$	3,365.00
46	7321100098319	28-Nov-11	Mondial Technology Information	$	2,515.00
47	6721100098179	05-Dec-11	Mondial Technology Information	$	1,810.00
48	6721100100227	12-Dec-11	Mondial Technology Information	$	3,160.00
49	6721100101899	20-Dec-11	Mondial Technology Information	$	2,860.00
50	6721100103202	26-Dec-11	Mondial Technology Information	$	3,270.00
51	6721200001110	04-Jan-12	Mondial Technology Information	$	3,280.00

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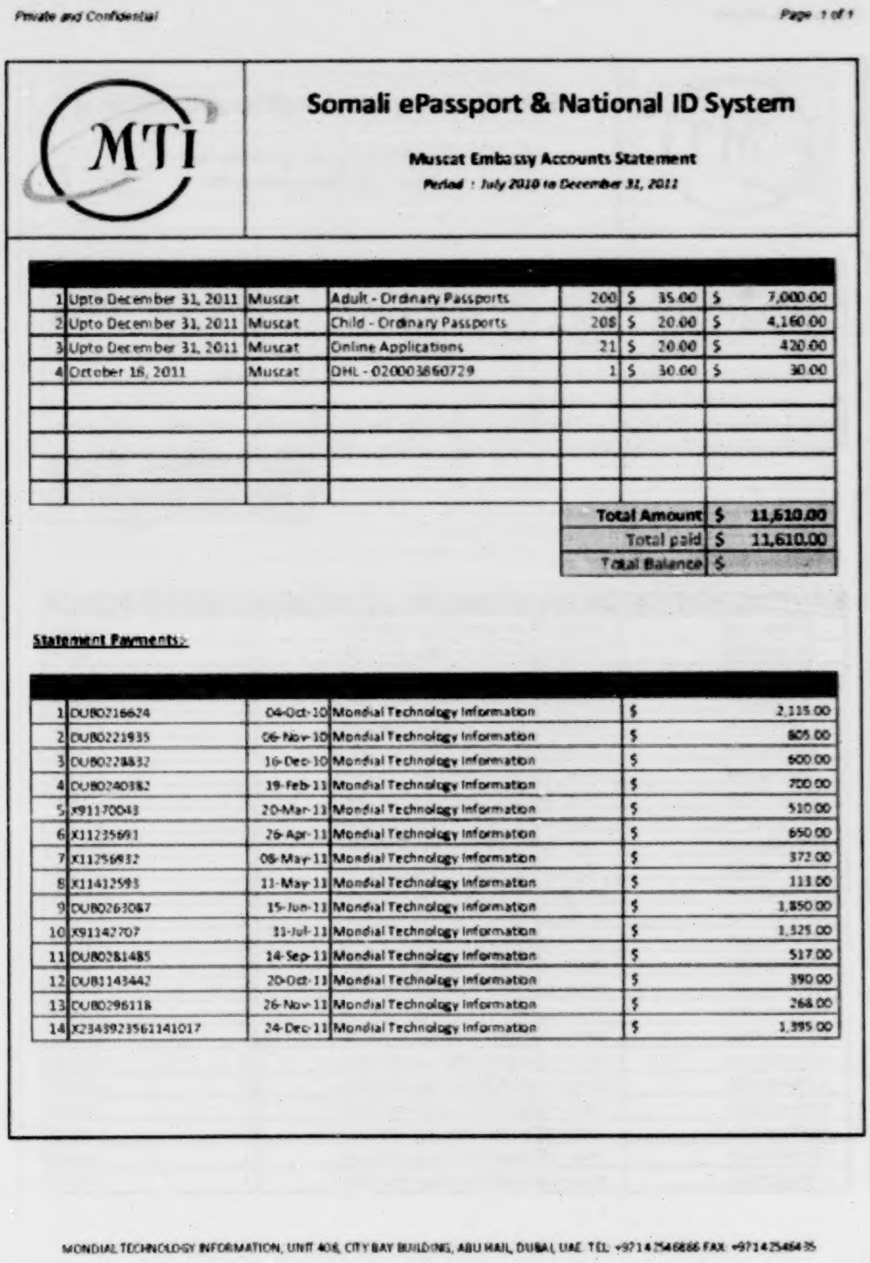

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MTI

Somali ePassport & National ID System

Muscat Embassy Accounts Statement

Period : July 2010 to December 31, 2011

1	Upto December 31, 2011	Muscat	Adult - Ordinary Passports	200	$ 35.00	$ 7,000.00
2	Upto December 31, 2011	Muscat	Child - Ordinary Passports	208	$ 20.00	$ 4,160.00
3	Upto December 31, 2011	Muscat	Online Applications	21	$ 20.00	$ 420.00
4	October 16, 2011	Muscat	DHL - 020003860729	1	$ 30.00	$ 30.00
					Total Amount	**$ 11,610.00**
					Total paid	$ 11,610.00
					Total Balance	**$ -**

Statement Payments:

1	DUB0216624	04-Oct-10	Mondial Technology Information	$	2,115.00
2	DUB0221935	06-Nov-10	Mondial Technology Information	$	805.00
3	DUB0228832	16-Dec-10	Mondial Technology Information	$	600.00
4	DUB0240382	19-Feb-11	Mondial Technology Information	$	700.00
5	X91170043	20-Mar-11	Mondial Technology Information	$	510.00
6	X11235691	26-Apr-11	Mondial Technology Information	$	650.00
7	X11256932	08-May-11	Mondial Technology Information	$	372.00
8	X11412593	11-May-11	Mondial Technology Information	$	113.00
9	DUB0263087	15-Jun-11	Mondial Technology Information	$	1,850.00
10	X91142707	31-Jul-11	Mondial Technology Information	$	1,325.00
11	DUB0281485	14-Sep-11	Mondial Technology Information	$	517.00
12	DUB1143442	20-Oct-11	Mondial Technology Information	$	390.00
13	DUB0296118	26-Nov-11	Mondial Technology Information	$	268.00
14	X2343923561141017	24-Dec-11	Mondial Technology Information	$	1,395.00

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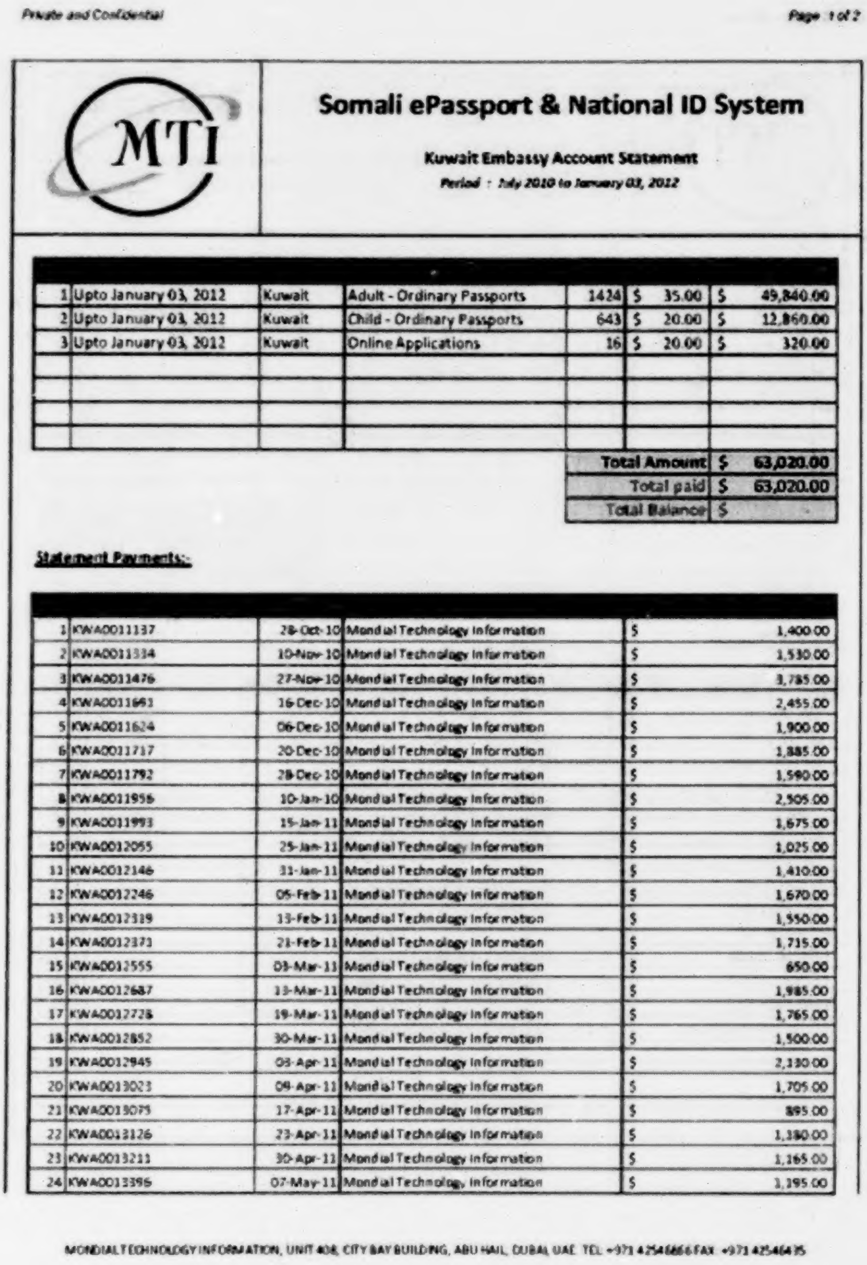

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Somali ePassport & National ID System

Kuwait Embassy Account Statement

Period : July 2010 to January 03, 2012

1	Upto January 03, 2012	Kuwait	Adult - Ordinary Passports	1424	$ 35.00	$ 49,840.00
2	Upto January 03, 2012	Kuwait	Child - Ordinary Passports	643	$ 20.00	$ 12,860.00
3	Upto January 03, 2012	Kuwait	Online Applications	16	$ 20.00	$ 320.00

Total Amount	**$ 63,020.00**
Total paid	**$ 63,020.00**
Total Balance	$ -

Statement Payments:-

1	KWA0011137	28-Oct-10	Mondial Technology Information	$ 1,400.00
2	KWA0011334	10-Nov-10	Mondial Technology Information	$ 1,530.00
3	KWA0011476	27-Nov-10	Mondial Technology Information	$ 3,785.00
4	KWA0011663	16-Dec-10	Mondial Technology Information	$ 2,455.00
5	KWA0011624	06-Dec-10	Mondial Technology Information	$ 1,900.00
6	KWA0011717	20-Dec-10	Mondial Technology Information	$ 1,885.00
7	KWA0011792	28-Dec-10	Mondial Technology Information	$ 1,590.00
8	KWA0011956	10-Jan-10	Mondial Technology Information	$ 2,505.00
9	KWA0011993	15-Jan-11	Mondial Technology Information	$ 1,675.00
10	KWA0012055	25-Jan-11	Mondial Technology Information	$ 1,025.00
11	KWA0012146	31-Jan-11	Mondial Technology Information	$ 1,410.00
12	KWA0012246	05-Feb-11	Mondial Technology Information	$ 1,670.00
13	KWA0012319	13-Feb-11	Mondial Technology Information	$ 1,550.00
14	KWA0012371	21-Feb-11	Mondial Technology Information	$ 1,715.00
15	KWA0012555	03-Mar-11	Mondial Technology Information	$ 650.00
16	KWA0012687	13-Mar-11	Mondial Technology Information	$ 1,985.00
17	KWA0012728	19-Mar-11	Mondial Technology Information	$ 1,765.00
18	KWA0012852	30-Mar-11	Mondial Technology Information	$ 1,500.00
19	KWA0012945	03-Apr-11	Mondial Technology Information	$ 2,130.00
20	KWA0013023	09-Apr-11	Mondial Technology Information	$ 1,705.00
21	KWA0013075	17-Apr-11	Mondial Technology Information	$ 895.00
22	KWA0013126	23-Apr-11	Mondial Technology Information	$ 1,380.00
23	KWA0013211	30-Apr-11	Mondial Technology Information	$ 1,165.00
24	KWA0013396	07-May-11	Mondial Technology Information	$ 1,395.00

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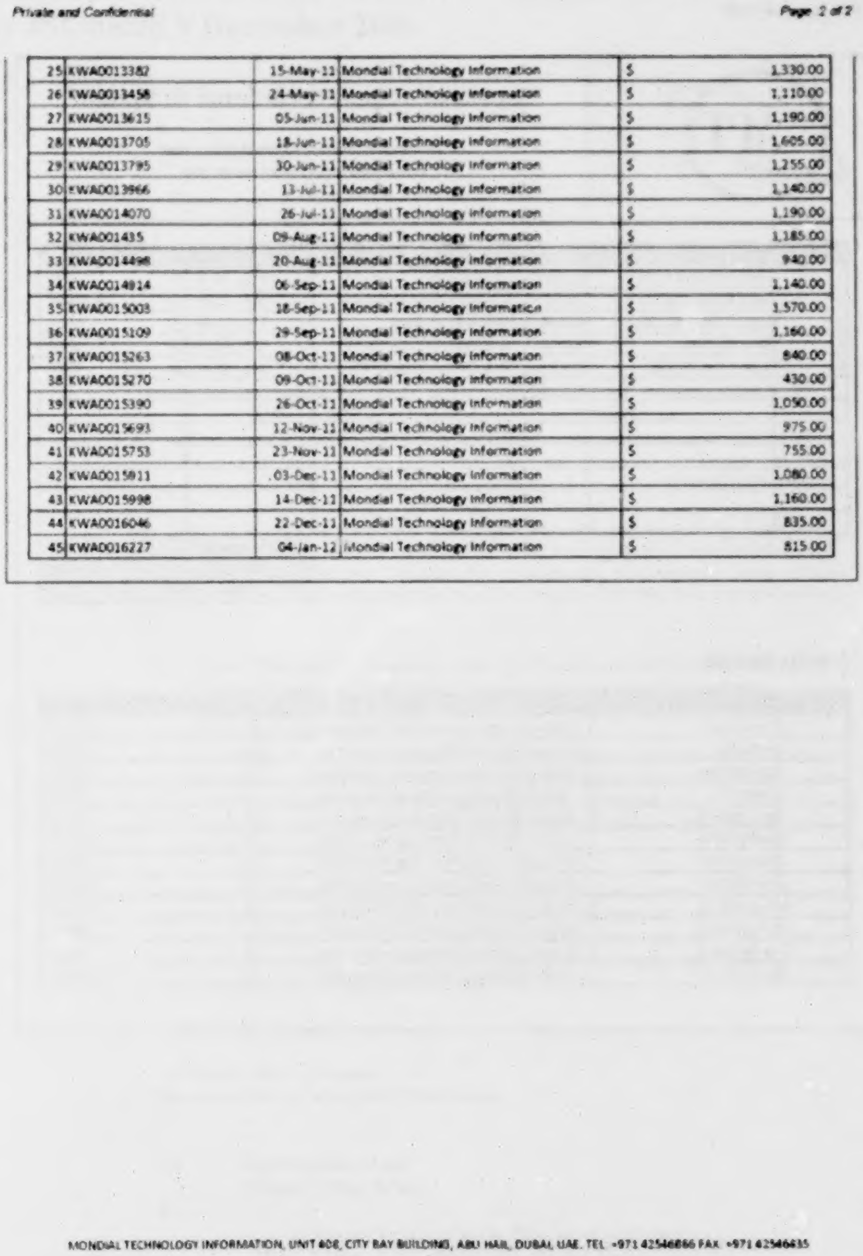

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25	KWA0013382	15-May-11	Mondial Technology Information	$	1,330.00
26	KWA0013458	24-May-11	Mondial Technology Information	$	1,110.00
27	KWA0013615	05-Jun-11	Mondial Technology Information	$	1,190.00
28	KWA0013705	18-Jun-11	Mondial Technology Information	$	1,605.00
29	KWA0013795	30-Jun-11	Mondial Technology Information	$	1,255.00
30	KWA0013966	13-Jul-11	Mondial Technology Information	$	1,140.00
31	KWA0014070	26-Jul-11	Mondial Technology Information	$	1,190.00
32	KWA001435	09-Aug-11	Mondial Technology Information	$	1,185.00
33	KWA0014498	20-Aug-11	Mondial Technology Information	$	940.00
34	KWA0014814	06-Sep-11	Mondial Technology Information	$	1,140.00
35	KWA0015003	18-Sep-11	Mondial Technology Information	$	1,570.00
36	KWA0015109	29-Sep-11	Mondial Technology Information	$	1,160.00
37	KWA0015263	08-Oct-11	Mondial Technology Information	$	840.00
38	KWA0015270	09-Oct-11	Mondial Technology Information	$	430.00
39	KWA0015390	26-Oct-11	Mondial Technology Information	$	1,050.00
40	KWA0015693	12-Nov-11	Mondial Technology Information	$	975.00
41	KWA0015753	23-Nov-11	Mondial Technology Information	$	755.00
42	KWA0015811	03-Dec-11	Mondial Technology Information	$	1,080.00
43	KWA0015998	14-Dec-11	Mondial Technology Information	$	1,160.00
44	KWA0016046	22-Dec-11	Mondial Technology Information	$	835.00
45	KWA0016227	04-Jan-12	Mondial Technology Information	$	815.00

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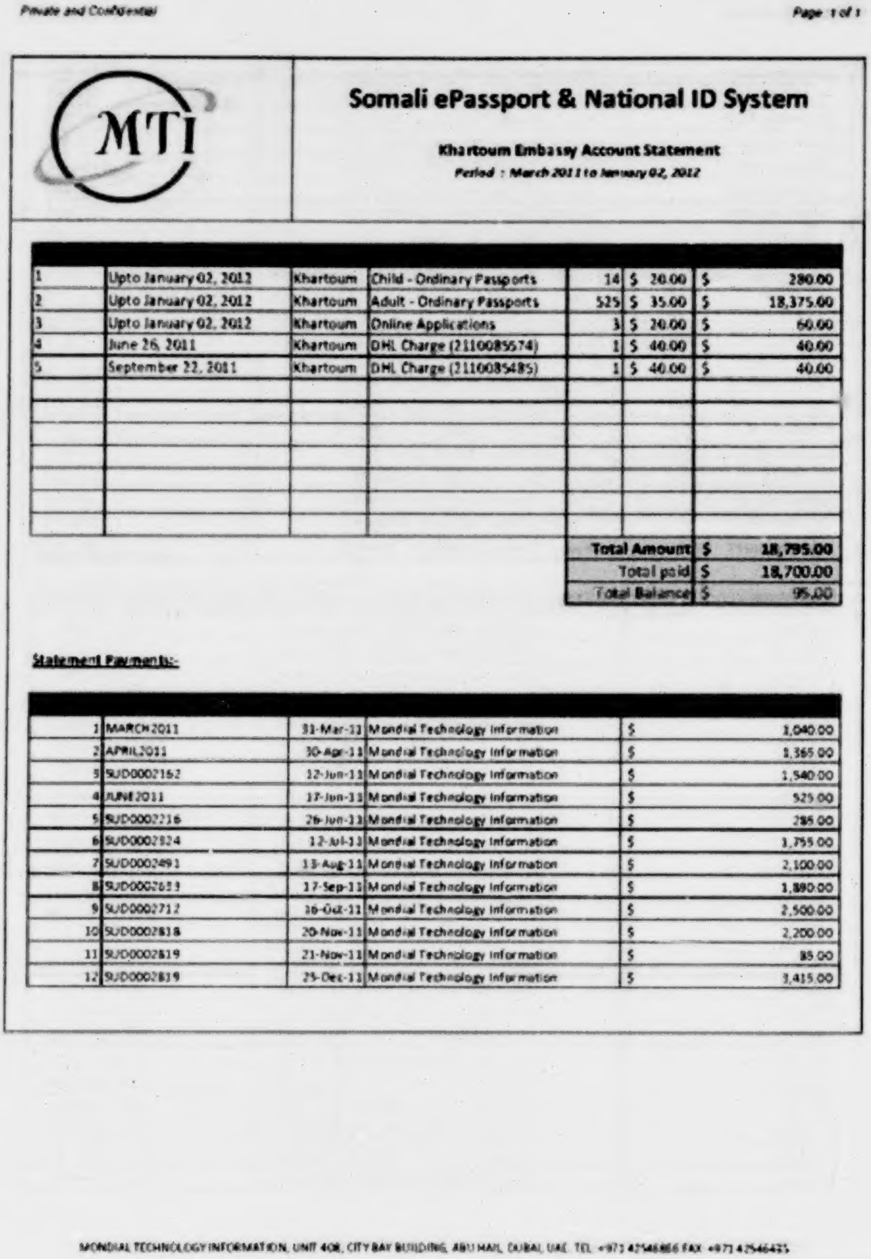

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MTI

Somali ePassport & National ID System

Khartoum Embassy Account Statement

Period : March 2011 to January 02, 2012

1	Upto January 02, 2012	Khartoum	Child - Ordinary Passports	14	$ 20.00	$ 280.00
2	Upto January 02, 2012	Khartoum	Adult - Ordinary Passports	525	$ 35.00	$ 18,375.00
3	Upto January 02, 2012	Khartoum	Online Applications	3	$ 20.00	$ 60.00
4	June 26, 2011	Khartoum	DHL Charge (2110085574)	1	$ 40.00	$ 40.00
5	September 22, 2011	Khartoum	DHL Charge (2110085485)	1	$ 40.00	$ 40.00
				Total Amount		**$ 18,795.00**
				Total paid		**$ 18,700.00**
				Total Balance		$ 95.00

Statement Payments:-

1	MARCH2011	31-Mar-11	Mondial Technology Information	$	1,040.00
2	APRIL2011	30-Apr-11	Mondial Technology Information	$	1,365.00
3	SUD0002162	12-Jun-11	Mondial Technology Information	$	1,540.00
4	JUNE2011	17-Jun-11	Mondial Technology Information	$	525.00
5	SUD0002216	26-Jun-11	Mondial Technology Information	$	285.00
6	SUD0002324	12-Jul-11	Mondial Technology Information	$	1,755.00
7	SUD0002491	13-Aug-11	Mondial Technology Information	$	2,100.00
8	SUD0002653	17-Sep-11	Mondial Technology Information	$	1,890.00
9	SUD0002712	16-Oct-11	Mondial Technology Information	$	2,500.00
10	SUD0002818	20-Nov-11	Mondial Technology Information	$	2,200.00
11	SUD0002819	21-Nov-11	Mondial Technology Information	$	85.00
12	SUD0002819	25-Dec-11	Mondial Technology Information	$	3,415.00

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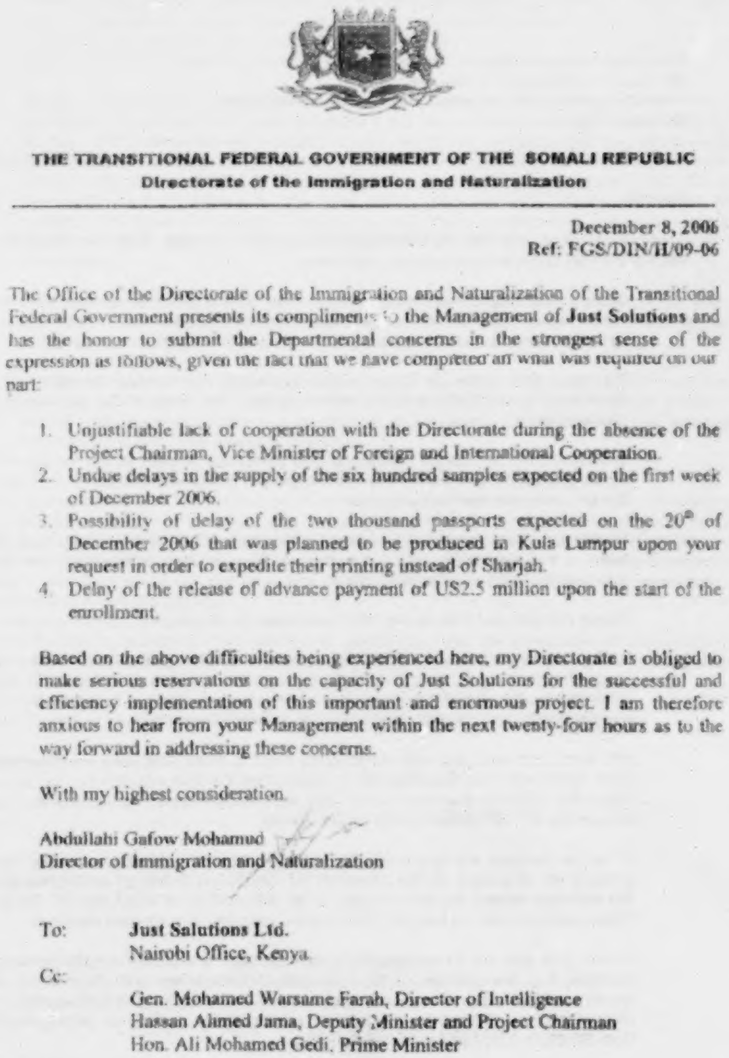
Annex 1.2.x.: Letter from General Gaafow to JSL dated 8 December 2006 and its response by JSL dated 9 December 2006



THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC
Directorate of the Immigration and Naturalization

December 8, 2006
Ref: FGS/DIN/II/09-06

The Office of the Directorate of the Immigration and Naturalization of the Transitional Federal Government presents its compliments to the Management of **Just Solutions** and has the honor to submit the Departmental concerns in the strongest sense of the expression as follows, given the fact that we have completed all what was required on our part:

1. Unjustifiable lack of cooperation with the Directorate during the absence of the Project Chairman, Vice Minister of Foreign and International Cooperation.
2. Undue delays in the supply of the six hundred samples expected on the first week of December 2006.
3. Possibility of delay of the two thousand passports expected on the 20th of December 2006 that was planned to be produced in Kula Lumpur upon your request in order to expedite their printing instead of Sharjah.
4. Delay of the release of advance payment of US2.5 million upon the start of the enrollment.

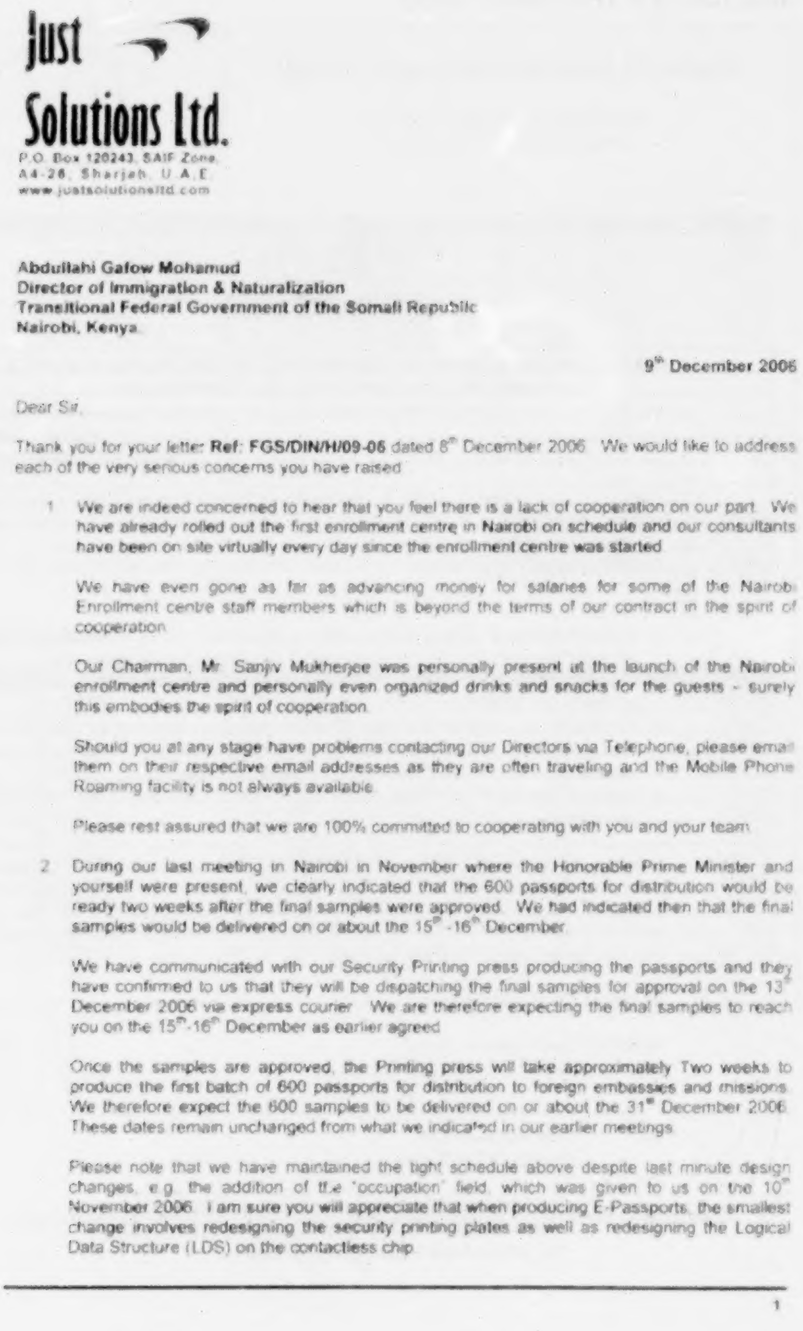
Based on the above difficulties being experienced here, my Directorate is obliged to make serious reservations on the capacity of Just Solutions for the successful and efficiency implementation of this important and enormous project. I am therefore anxious to hear from your Management within the next twenty-four hours as to the way forward in addressing these concerns.

With my highest consideration.

Abdullahi Gafow Mohamud
Director of Immigration and Naturalization

To: **Just Salutions Ltd.**
Nairobi Office, Kenya.

Cc:
Gen. Mohamed Warsame Farah, Director of Intelligence
Hassan Ahmed Jama, Deputy Minister and Project Chairman
Hon. Ali Mohamed Gedi, Prime Minister



Just Solutions ltd.
P.O. Box 120243, SAIF Zone,
A4-26, Sharjah, U.A.E.
www.justsolutionsltd.com

Abdullahi Gafow Mohamud
Director of Immigration & Naturalization
Transitional Federal Government of the Somali Republic
Nairobi, Kenya.

9th December 2006

Dear Sir,

Thank you for your letter **Ref: FGS/DIN/H/09-06** dated 8th December 2006. We would like to address each of the very serious concerns you have raised.

1. We are indeed concerned to hear that you feel there is a lack of cooperation on our part. We have already rolled out the first enrollment centre in Nairobi on schedule and our consultants have been on site virtually every day since the enrollment centre was started.

   We have even gone as far as advancing money for salaries for some of the Nairobi Enrollment centre staff members which is beyond the terms of our contract in the spirit of cooperation.

   Our Chairman, Mr. Sanjiv Mukherjee was personally present at the launch of the Nairobi enrollment centre and personally even organized drinks and snacks for the guests - surely this embodies the spirit of cooperation.

   Should you at any stage have problems contacting our Directors via Telephone, please email them on their respective email addresses as they are often traveling and the Mobile Phone Roaming facility is not always available.

   Please rest assured that we are 100% committed to cooperating with you and your team.

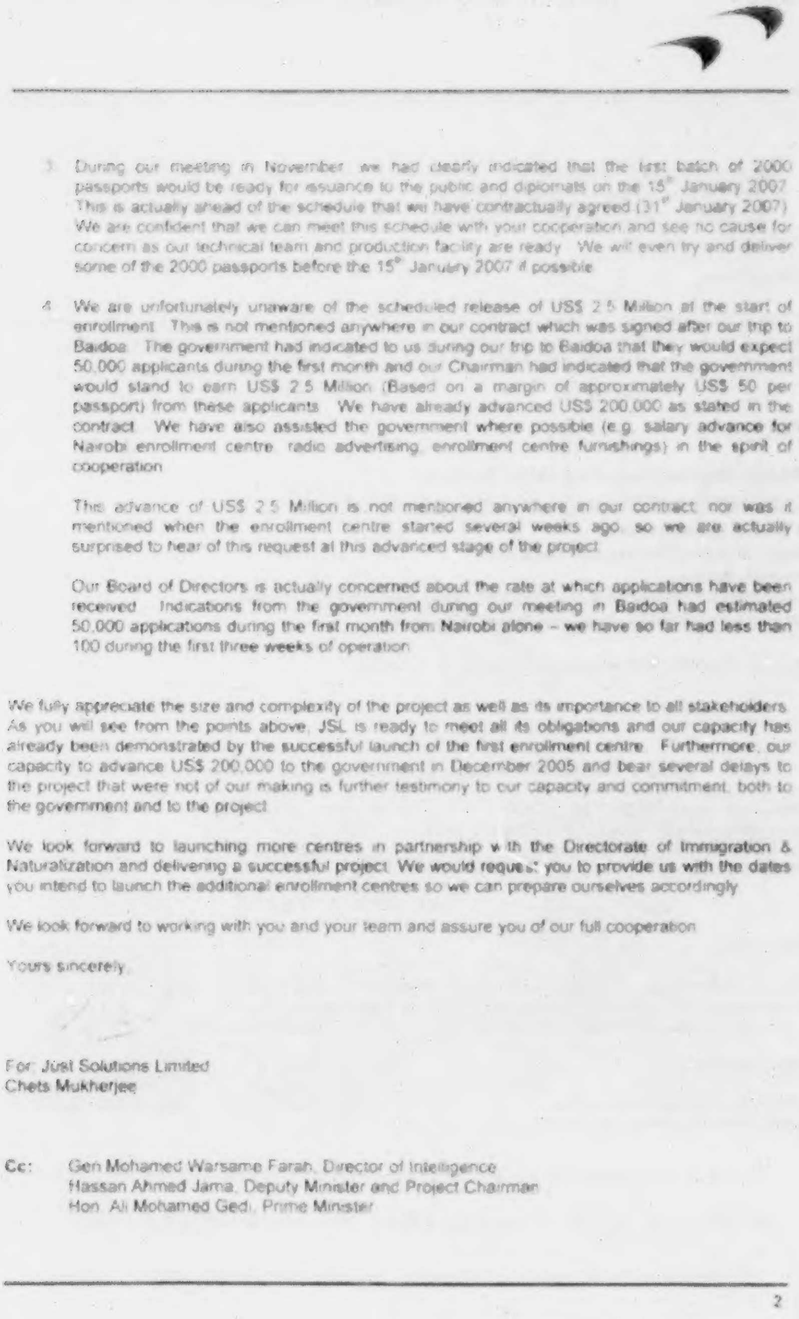
2. During our last meeting in Nairobi in November where the Honorable Prime Minister and yourself were present, we clearly indicated that the 600 passports for distribution would be ready two weeks after the final samples were approved. We had indicated then that the final samples would be delivered on or about the 15th -16th December.

   We have communicated with our Security Printing press producing the passports and they have confirmed to us that they will be dispatching the final samples for approval on the 13th December 2006 via express courier. We are therefore expecting the final samples to reach you on the 15th-16th December as earlier agreed.

   Once the samples are approved, the Printing press will take approximately Two weeks to produce the first batch of 600 passports for distribution to foreign embassies and missions. We therefore expect the 600 samples to be delivered on or about the 31st December 2006. These dates remain unchanged from what we indicated in our earlier meetings.

   Please note that we have maintained the tight schedule above despite last minute design changes, e.g. the addition of the 'occupation' field, which was given to us on the 10th November 2006. I am sure you will appreciate that when producing E-Passports, the smallest change involves redesigning the security printing plates as well as redesigning the Logical Data Structure (LDS) on the contactless chip.

1



3. During our meeting in November, we had clearly indicated that the first batch of 2000 passports would be ready for issuance to the public and diplomats on the 15th January 2007. This is actually ahead of the schedule that we have contractually agreed (31st January 2007). We are confident that we can meet this schedule with your cooperation and see no cause for concern as our technical team and production facility are ready. We will even try and deliver some of the 2000 passports before the 15th January 2007 if possible.

4. We are unfortunately unaware of the scheduled release of US$ 2.5 Million at the start of enrollment. This is not mentioned anywhere in our contract which was signed after our trip to Baidoa. The government had indicated to us during our trip to Baidoa that they would expect 50,000 applicants during the first month and our Chairman had indicated that the government would stand to earn US$ 2.5 Million (Based on a margin of approximately US$ 50 per passport) from these applicants. We have already advanced US$ 200,000 as stated in the contract. We have also assisted the government where possible (e.g. salary advance for Nairobi enrollment centre, radio advertising, enrollment centre furnishings) in the spirit of cooperation.

   This advance of US$ 2.5 Million is not mentioned anywhere in our contract, nor was it mentioned when the enrollment centre started several weeks ago, so we are actually surprised to hear of this request at this advanced stage of the project.

   Our Board of Directors is actually concerned about the rate at which applications have been received. Indications from the government during our meeting in Baidoa had estimated 50,000 applications during the first month from Nairobi alone – we have so far had less than 100 during the first three weeks of operation.

We fully appreciate the size and complexity of the project as well as its importance to all stakeholders. As you will see from the points above, JSL is ready to meet all its obligations and our capacity has already been demonstrated by the successful launch of the first enrollment centre. Furthermore, our capacity to advance US$ 200,000 to the government in December 2005 and bear several delays to the project that were not of our making is further testimony to our capacity and commitment, both to the government and to the project.

We look forward to launching more centres in partnership with the Directorate of Immigration & Naturalization and delivering a successful project. We would request you to provide us with the dates you intend to launch the additional enrollment centres so we can prepare ourselves accordingly.

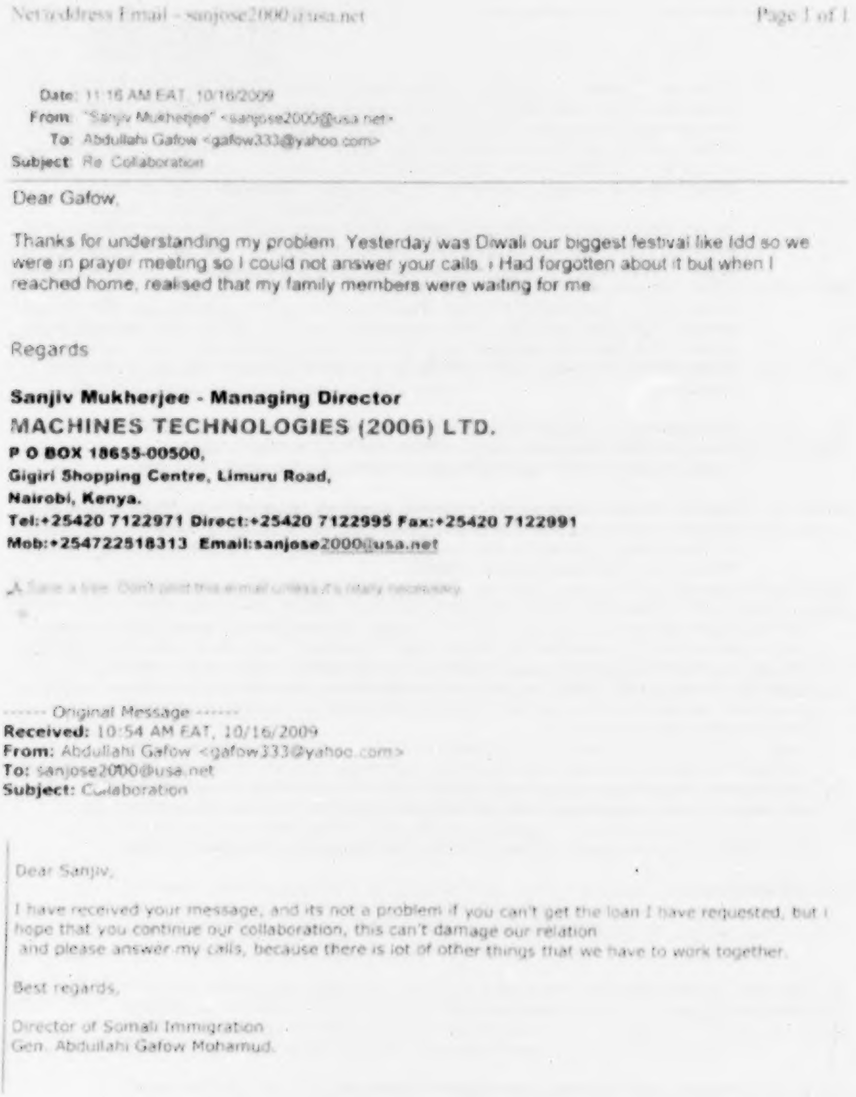
We look forward to working with you and your team and assure you of our full cooperation.

Yours sincerely,

For: Just Solutions Limited
Chets Mukherjee

Cc: Gen Mohamed Warsame Farah, Director of Intelligence
Hassan Ahmed Jama, Deputy Minister and Project Chairman
Hon. Ali Mohamed Gedi, Prime Minister

Annex 1.2.y.: Email exchanges between General Gafoow and JSL dated 16 October 2009



Net@ddress Email - sanjose2000@usa.net

Page 1 of 1

Date: 11:16 AM EAT, 10/16/2009
From: "Sanjiv Mukherjee" <sanjose2000@usa.net>
To: Abdullahi Gafow <gafow333@yahoo.com>
Subject: Re: Collaboration

Dear Gafow,

Thanks for understanding my problem. Yesterday was Diwali our biggest festival like Idd so we were in prayer meeting so I could not answer your calls. I Had forgotten about it but when I reached home, realised that my family members were waiting for me.

Regards

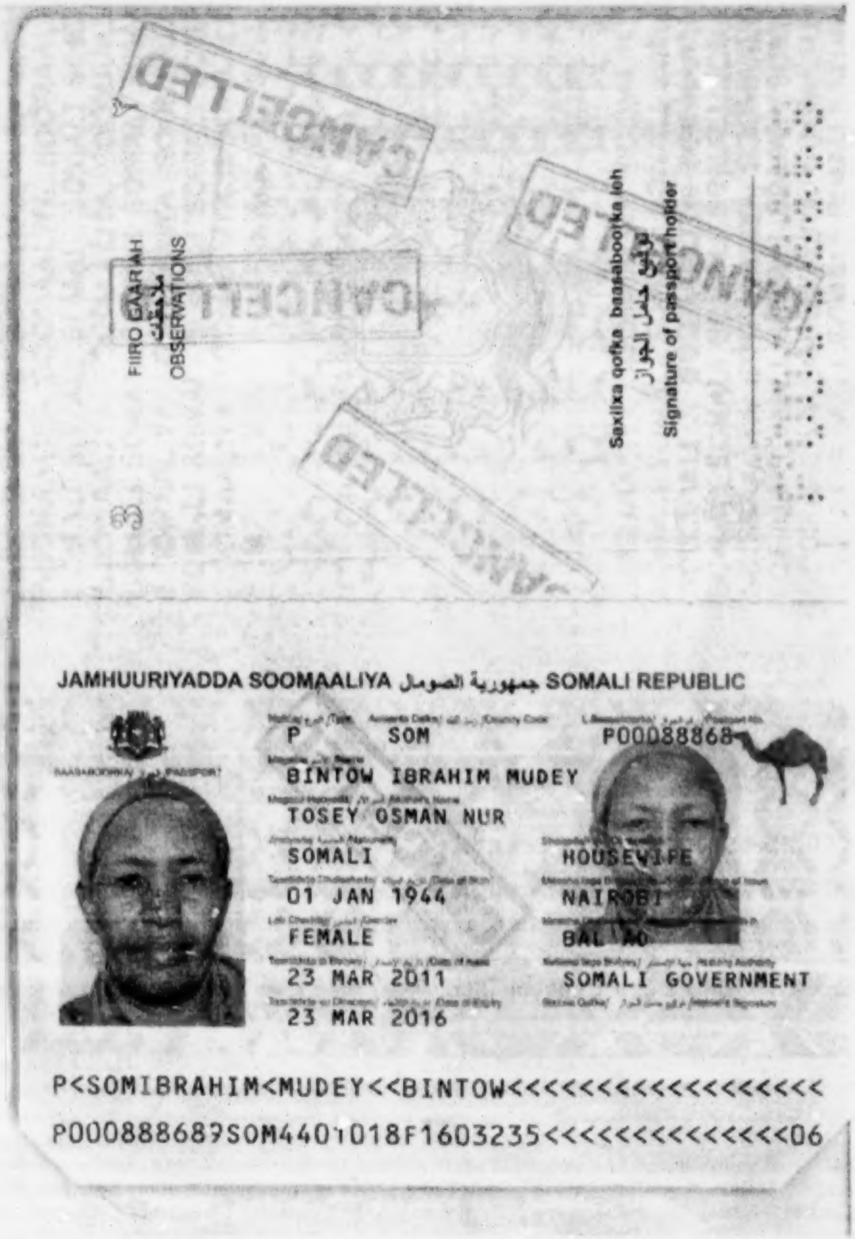
Sanjiv Mukherjee - Managing Director
MACHINES TECHNOLOGIES (2006) LTD.
P O BOX 18655-00500,
Gigiri Shopping Centre, Limuru Road,
Nairobi, Kenya.
Tel:+25420 7122971 Direct:+25420 7122995 Fax:+25420 7122991
Mob:+254722518313 Email:sanjose2000@usa.net

Save a tree. Don't print this email unless it's really necessary

------- Original Message -------
Received: 10:54 AM EAT, 10/16/2009
From: Abdullahi Gafow <gafow333@yahoo.com>
To: sanjose2000@usa.net
Subject: Collaboration

> Dear Sanjiv,
>
> I have received your message, and its not a problem if you can't get the loan I have requested, but i hope that you continue our collaboration, this can't damage our relation and please answer my calls, because there is lot of other things that we have to work together.
>
> Best regards,
>
> Director of Somali Immigration
> Gen. Abdullahi Gafow Mohamud.

Annex 1.2.z.: Passports of Bintow Ibrahim Mudey (passport number: P00088868) and Amina Hassan Kulmiye (passport number P00172590)



FIIRO GAAR AH
ملاحظات
OBSERVATIONS

CANCELLED

Saxiixa qofka baasaboorka leh
توقيع حامل الجواز
Signature of passport holder

JAMHUURIYADDA SOOMAALIYA جمهورية الصومال SOMALI REPUBLIC

P
SOM
P00088868
BINTOW IBRAHIM MUDEY
TOSEY OSMAN NUR
SOMALI
01 JAN 1944
FEMALE
23 MAR 2011
23 MAR 2016
HOUSEWIFE
NAIROBI
BAL AO
SOMALI GOVERNMENT

P<SOMIBRAHIM<MUDEY<<BINTOW<<<<<<<<<<<<<<<<<<
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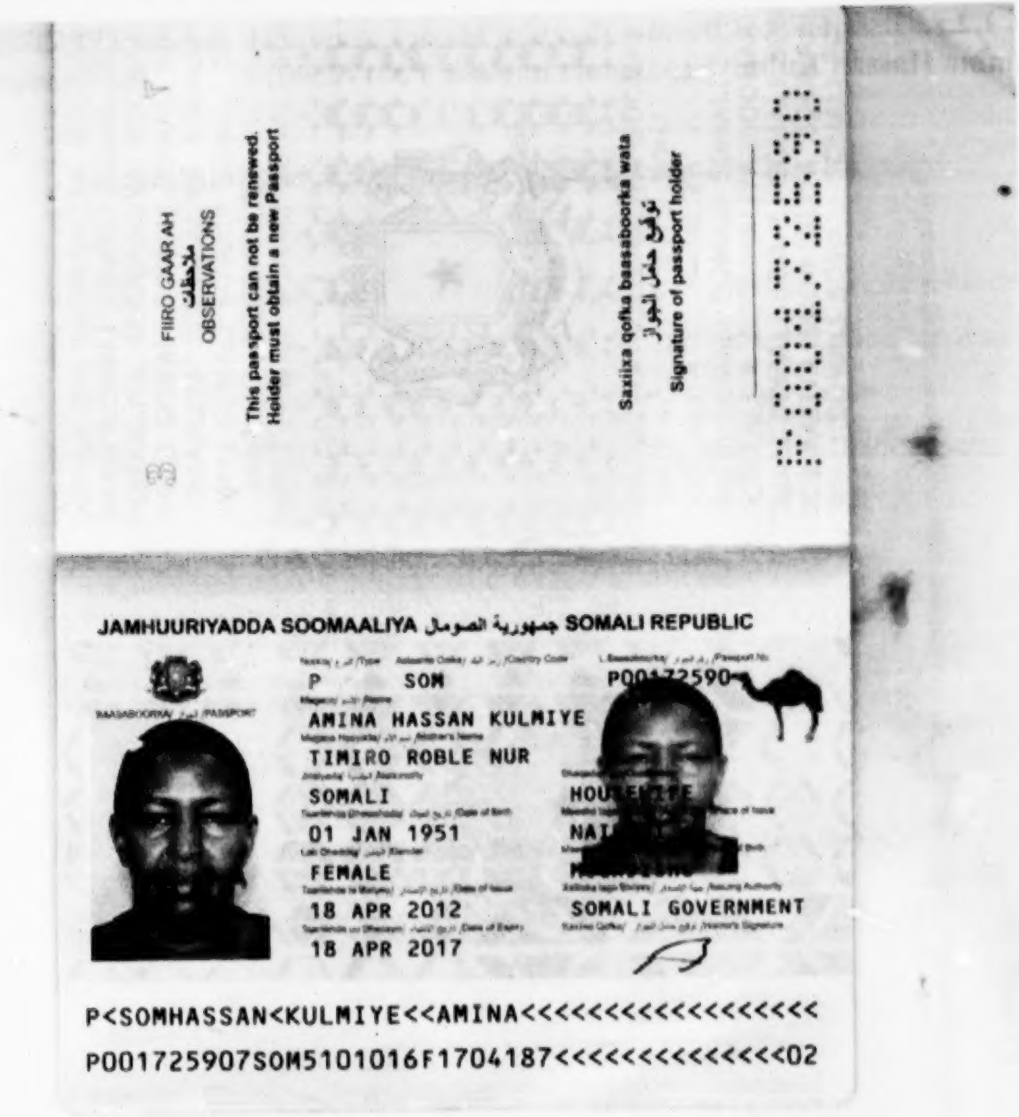

FIIRO GAAR AH
ملاحظات
OBSERVATIONS

This passport can not be renewed.
Holder must obtain a new Passport

Saxiixa qofka baasaboorka wata
توقيع حامل الجواز
Signature of passport holder

P00172590

JAMHUURIYADDA SOOMAALIYA جمهورية الصومال SOMALI REPUBLIC

P
SOM
P00172590
AMINA HASSAN KULMIYE
TIMIRO ROBLE NUR
SOMALI
01 JAN 1951
FEMALE
18 APR 2012
18 APR 2017
HOU
NAI
SOMALI GOVERNMENT

P<SOMHASSAN<KULMIYE<<AMINA<<<<<<<<<<<<<<<<<<<<

P001725907SOM5101016F1704187<<<<<<<<<<<<<<<02

Annex 1.3.: Currency printing

1. Currency printing has long been employed by Somali authorities as a means to generate quick revenues. But in the absence of effective monetary policy and regulatory controls, the practice is little better than counterfeiting, often with dramatic impact on the exchange rate and public savings. As early as 2003, the Monitoring Group described the practice as "the currency scam" and recommended that Member States curb the printing of Somali banknotes.[1]

2. Since 1992, the Monitoring Group has documented at least six episodes of currency printing, although many more are alleged to have taken place. The 'government' of Ali Mahdi Mohamed introduced paper currency in new denominations in June 1992, as did self-proclaimed 'presidents', Hussein Aydiid and Abdinur Darman in 1997. Rival Puntland leaders, Abdillahi Yusuf and Jaama Ali Jaama, both sought to purchase new banknotes between 1999 and 2002. In 2002, the Indonesian Police told the Monitoring Group that Khadija Ossoble Ali sought to procure banknotes on behalf of Somalia's then Transitional National Government – a charge she denied.

3. In January 2010, the then Minister of Finance Sharif Hassan (current TFG speaker) negotiated a deal with the Sudanese government and the Sudan Currency Printing Press (SCPP) to print new Somali banknotes worth a total of US$17 million.[2] The deal required the Sudanese company to produce approximately US$130 to US$150 million, which would theoretically replace the equivalent US$60 to US$70 million of existing local currency. The TFG estimated the net cost to be in the range of US$53 to US$63 million.[3]

4. This deal was signed without prior consultation with other Transitional Federal Institutions, notably the Central Bank of Somalia, whose Governor, Bashir Isse Ali, informed the Minister of Finance that the prevailing political, economical and financial conditions were not favourable for the introduction of the new paper currency.[4] Moreover, the award of the contract to SCPP was not subject to competitive bidding procedures.[5] The deal was nevertheless subsequently approved by the Council of Ministers, but in late 2010 the Governor of the Central Bank resigned in protest, after expressing his concerns that the TFG lacked the capacity to implement a currency change.

5. Upon learning of the deal, on 21 January 2010, the World Bank Acting Country Manager for Somalia and Chairman of the Public Financial Management Donor Group Steering Committee Africa Region sent a letter to then TFG Prime Minister Omar Abdirashid Sharmarke, expressing concerns that the premature introduction of new currency could jeopardize the objectives of stabilizing the

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[1] S/2003/223, p.40 and S/2003/1035, p.36.

[2] "Somalia signs currency printing agreement with Sudan", Sudan Tribune, 12 January 2010, accessed online on 3 June 2012, http://www.sudantribune.com/Somalia-signs-currency-printing,33756http://www.sudantribune.com/Somalia-signs-currency-printing,33756.

[3] Interview with Dr. Aues Seek, Kenya country director at the Horn Economic and Social Policy Institute (HESPI) and, author of the yet unpublished study "Unpacking the mystery of Printing Somali Shillings", Nairobi, 3 June 2012.

[4] Interviews with a TFG official from the Ministry of Finance and, with a former advisor to Sharif Hassan, the then minister of finance, Nairobi, 4 June 2012.

[5] Interviews with a TFG official from the Ministry of Finance and, with a former advisor to Sharif Hassan, the then minister of finance, Nairobi, 4 June 2012.

Somali economy and taming inflation, adding to the economic fragility of Somalia and significantly hurting the poor.[6] Mr. James Christopher Lovelace reminded the TFG leadership that such an initiative would require extensive preparatory work, including economic analysis and capacity building.

6. On 25 February 2010, Finance Minister Sharif Hassan responded to the World Bank's letter by informing the donors that the TFG had decided to print the new currency notes regardless, and that "mechanisms were being developed to protect the poor and vulnerable groups from inflation and negative impact to their plight."[7] The Minister of Finance also noted: "from the legal point of view the Cabinet decision is the first step in the process of printing the currency." After this approval, the Ministry of Finance would present the proposal to the Transitional Federal Parliament for deliberation and approval. The Central Bank would "take up from there to finalize the design process, printing and launching of the new currency."[8]

7. Sharif Hassan's reply to the World Bank letter was drafted by the Horn Economic and Social Policy Institute (HESPI), a Somali think tank, which had also drafted the 2011 Somali Central Bank Act.[9] HESPI presented to Sharif Hassan a technical note in which it advised him to establish a technical committee comprising representatives from the Ministry of Finance, the Central Bank and key economic ministries, the private sector, academics and professionals, supported by international experts from the IMF, World Bank, African Development Bank and some bilateral donors. The Committee would lead the technical process and provide guidance on how to protect the poor and vulnerable groups through monetary and fiscal policy. The Finance Minister endorsed the idea, but took no steps to establish such a body.[10]

8. Bashir Isse Ali's successor as Governor of the Central Bank, Abdullahi Haji Jama Ali, rapidly approved of the project, including the design and printing arrangements, and started work on the technical preparations for the launch of the new currency -- without prior endorsement from the parliament.[11] The new currency was indeed printed in Sudan according to plan, and readied for transport to Somalia.[12] Under mounting pressure from Western donors, however, the TFG decided to temporarily suspend its plan to introduce new currency into the Somali economy.

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[6] See Attachment 1.3.a, letter from James Christopher Lovelace, World Bank Acting Country Manager for Somalia & Chairman PFM Donor Group Steering Committee Africa Region, to former TFG PM Sharmarke dated 21 January 2010.

[7] See Attachment 1.3.b, letter from the TFG Minister of Finance to the World Bank and PFM Donor Group Steering Committee Africa Region dated 25 February 2010.

[8] See Attachment 1.3.b, letter from the TFG Minister of Finance to the World Bank and PFM Donor Group Steering Committee Africa Region dated 25 February 2010.

[9] Interviews with TFG officials from the Ministry of Finance, Nairobi, 4 June 2012.

[10] HESPI occasionally advises the TFG on economic and financial management issues. Interviews with TFG officials from the Ministry of Finance and, with Dr. Aues Seek Kenya country director at the Horn Economic and Social Policy Institute (HESPI), Nairobi, June 2012.

[11] Interviews with a TFG official from the Ministry of Finance and, with a former advisor to Sharif Hassan, the then minister of finance, Nairobi, 4 June 2012.

[12] Interviews with TFG officials from the Ministry of Finance and, with Dr. Aues Seek, Kenya country director at the Horn Economic and Social Policy Institute (HESPI), Nairobi, June 2012.

9. On 18 March 2012, President Sheikh Sharif visited Khartoum to assess the status of the currency project. According to the current TFG Finance Minister, Abdinasir Mohamed Abdulle, "the printing of the new currency is now in progress and will soon be in circulation inside Somalia," and that "banknotes will be available in denomination of 1000, 2000, 5000, 10,000, 20,000 and 50,000 shillings." [13] According to a TFG official from the Ministry of Finance, the TFG is currently planning to introduce Sh.So 5 trillion.[14] TFG officials from other ministries and Mogadishu based businessmen told the Monitoring Group that the statement took them by surprise, and expressed their concerns that even if the new currency were not immediately injected into the economy, such an unexpected announcement could alone drive inflation and destabilize the Somali economy.[15]

10. Equally unexpected was the endorsement of the TFG currency scheme by the Puntland administration, which had initially opposed it.[16] According to a high level TFG official, Puntland's president had made a "deal" with the TFG, under which the Puntland administration would receive a share of the new currency to inject into circulation, which allowed the project to move forward.[17]

11. In a letter sent on 3 April 2012 to the Special Representative of the UN Secretary General for Somalia and to the members of the International Coordination and Monitoring Group on Somalia, TFG PM Abdiweli Mohamed Ali, confirmed that the Somali Shillings were "ready in Khartoum," but that new Shillings would "not be introduced until we [TFG] establish monetary policies to avoid inflation and excessive supply of the Somali Shilling".[18] The PM also requested guidance from financial institutions including the World Bank and the International Monetary Fund, and pledged that any issuance of new currency would be subject to parliamentary approval.[19] However, the SEMG has confirmed that, at the time of writing, the Parliament had not yet received the cabinet resolution endorsing the currency project, nor had it given its approval to any other bill relating to the introduction of new currency.[20] In early June 2012, PM Abdiweli Ali informed the SEMG that his government is not planning to issue the new currency before the end of the transition period in August 2012, and he confirmed that new banknotes are not yet in Mogadishu.[21]

12. It is the assessment of the Monitoring Group that the potential distribution of new paper money with only months remaining in the TFG mandate is intended to affect conduct of the transition, not to

---

[13] "President Sharif meets Al-Bashir in Khartoum", Bar-Kulan Radio, 19 March 2012, accessed online on 4 June 2012 http://www.bar-kulan.com/2012/03/19/president-sharif-meets-al-bashir-in-khartoum/.

[14] Interview with a TFG Ministry of Finance official, Nairobi, 4 June 2012.

[15] Interviews with TFG officials and Mogadishu based businessmen, Nairobi, May 2012.

[16] "Puntland-TFG printing new currency", Somaliareport.com, 9 March 2012, accessed online on 4 June 2012, http://www.somaliareport.com/index.php/post/3033/Puntland-TFG_Printing_New_Currency.

[17] Interview with a TFG high level official, Nairobi, June 2012.

[18] See Attachment 1.3.c, letter from TFG PM Dr. Abdiweli Mohamed Ali to to the Special Representative of the UN secretary General for Somalia and to the members of the International Coordination and Monitoring Group on Somalia dated 3 Apil 2012.

[19] See Attachment 1.3.c, letter from TFG PM Dr. Abdiweli Mohamed Ali to to the Special Representative of the UN secretary General for Somalia and to the members of the International Coordination and Monitoring Group on Somalia dated 3 April 2012.

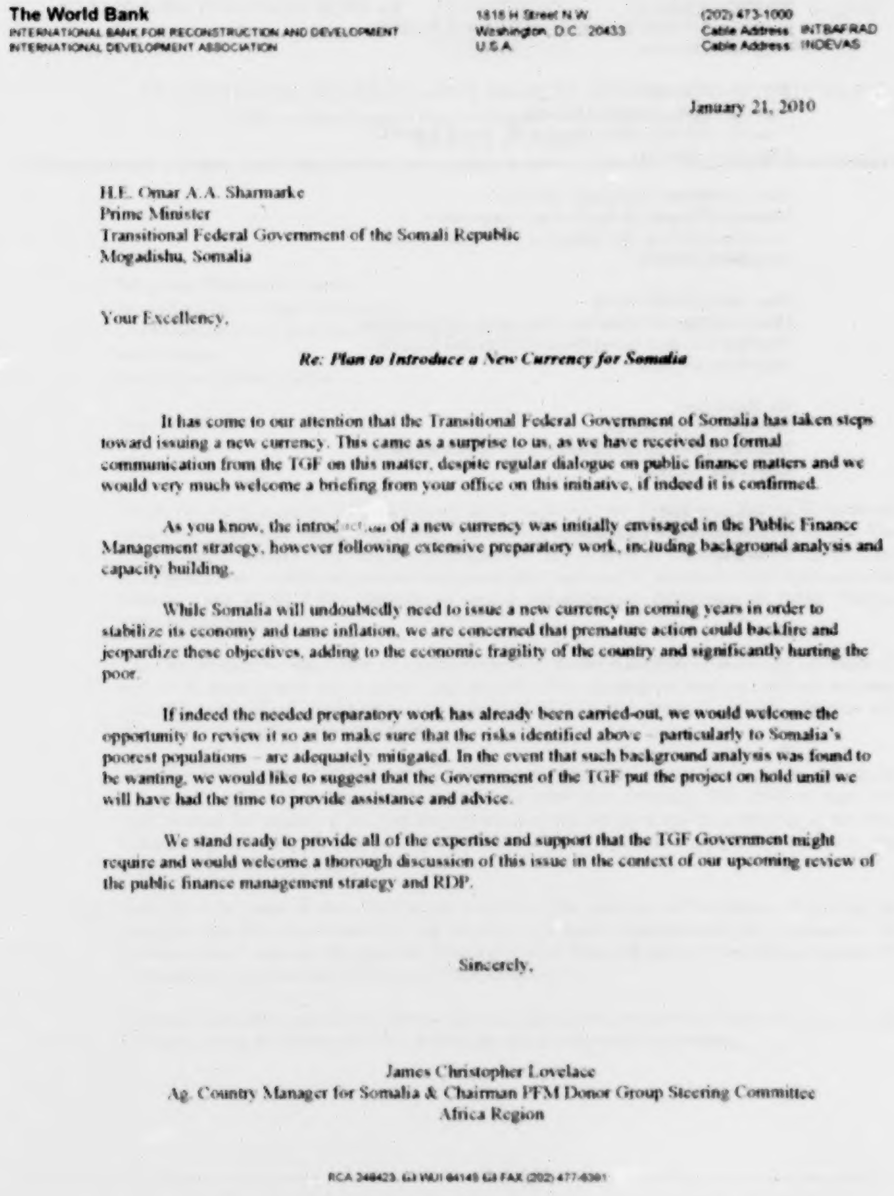
[20] Interviews with TFG officials from the Ministry of Finance and Central bank of Somalia, Nairobi, May 2012

[21] Interview with TFG PM Abdiweli Mohamed Ali, Nairobi, 7 June 2012.

benefit the Somali economy. In view of the pervasive corruption within the TFIs, the limitations of the TFG Central Bank and the absence of a comprehensive legislative and regulatory framework or monetary policy, it is the assessment of the Monitoring Group that the plan to introduce this paper currency prior to the completion of the transitional process in August 2012 was intended to create an opportunity for the large-scale misappropriation of financial resources and constituted an attempt by certain TFG leaders to interfere with the political process as defined by the Djibouti Agreement of 2010 and the Road Map.

13. Moreover, even if a successful transition were to take place in August 2012, past experience has demonstrated that the introduction of large volumes of paper currency into circulation has potentially deleterious inflationary effects, eroding the savings of ordinary Somalis, and contributing to the country's protracted humanitarian crisis. Any future Somali national authority should be dissuaded from introducing new currency until the necessary preconditions exist to prevent grave economic damage. The Monitoring Group therefore recommends that any attempt to introduce new currency, in the absence of appropriate fiscal and monetary safeguards, be considered grounds for targeted measures by the Security Council.

Annex 1.3.a.: Letter from James Christopher Lovelace to former TFG PM Sharmarke dated 21 January 2010



The World Bank
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION

1818 H Street N.W.
Washington, D.C. 20433
U.S.A.

(202) 473-1000
Cable Address: INTBAFRAD
Cable Address: INDEVAS

January 21, 2010

H.E. Omar A.A. Sharmarke
Prime Minister
Transitional Federal Government of the Somali Republic
Mogadishu, Somalia

Your Excellency,

Re: Plan to Introduce a New Currency for Somalia

It has come to our attention that the Transitional Federal Government of Somalia has taken steps toward issuing a new currency. This came as a surprise to us, as we have received no formal communication from the TGF on this matter, despite regular dialogue on public finance matters and we would very much welcome a briefing from your office on this initiative, if indeed it is confirmed.

As you know, the introduction of a new currency was initially envisaged in the Public Finance Management strategy, however following extensive preparatory work, including background analysis and capacity building.

While Somalia will undoubtedly need to issue a new currency in coming years in order to stabilize its economy and tame inflation, we are concerned that premature action could backfire and jeopardize these objectives, adding to the economic fragility of the country and significantly hurting the poor.

If indeed the needed preparatory work has already been carried-out, we would welcome the opportunity to review it so as to make sure that the risks identified above – particularly to Somalia's poorest populations – are adequately mitigated. In the event that such background analysis was found to be wanting, we would like to suggest that the Government of the TGF put the project on hold until we will have had the time to provide assistance and advice.

We stand ready to provide all of the expertise and support that the TGF Government might require and would welcome a thorough discussion of this issue in the context of our upcoming review of the public finance management strategy and RDP.

Sincerely,

James Christopher Lovelace
Ag. Country Manager for Somalia & Chairman PFM Donor Group Steering Committee
Africa Region

RCA 248423. WUI 64145 FAX (202) 477-6391

cc: **Hon. Abdirahman Osman Omar**
Minister for Treasury
Transitional Federal Government of the Somali Republic
Mogadishu, Somalia

Hon. Sharif Hassan Sheikh
Deputy PM and Minister of Finance
Transitional Federal Government of the Somali Republic
Mogadishu, Somalia

Hon. Abdirahman Abdishakur Warsame
Minister of Planning & International Cooperation
Transitional Federal Government of the Somali Republic
Mogadishu, Somalia

Hon. Abdullahi Sheikh Ali
Minister of State for Planning & International Cooperation
Transitional Federal Government of the Somali Republic
Mogadishu, Somalia

Mr. Bashir Isse
Governor of Central Bank
Transitional Federal Government of the Somali Republic
Mogadishu, Somalia

Mr. Johannes Zutt
Country Director for Somalia
World Bank

We are looking forward to discussing with the currency printing issues, following your comments on the briefing and the provision of the needed technical support to make the process transparent and implementable to the benefit of the Somali economy and Somali society at large. We will keep you posted on the progress that we will be making in the coming months. This process is expected to take between 8 to 12 months to be completed.

Best regards,

جمهورية الصومال
الحكومة الانتقالية الفيدرالية
وزارة المالية
Transitional Federal Government
of the Somali Republic
Deputy Prime Minister & Minister of Finance
OFFICE OF THE MINISTER

Hon. Sharif Hassan Sh. Aden
Deputy Prime Minister and Minister of Finance

CC:
Hon Omar A.A. Sharmarkee
Prime Minister

Mr. Johannes Zutt
Country Director, World Bank

Hon. Abdirahman Osman Omar
Ministry of Treasure
TFG

Hon. Abdirahman Abdishakur Warsame
Minister of Planning and International Relations
TFG

Mr. Mohamed Haji Ali
Interim Governor of Central Bank of Somalia
TFG

Mr. Charles Petrie
Deputy Special Representative of Secretary General
UNPOS

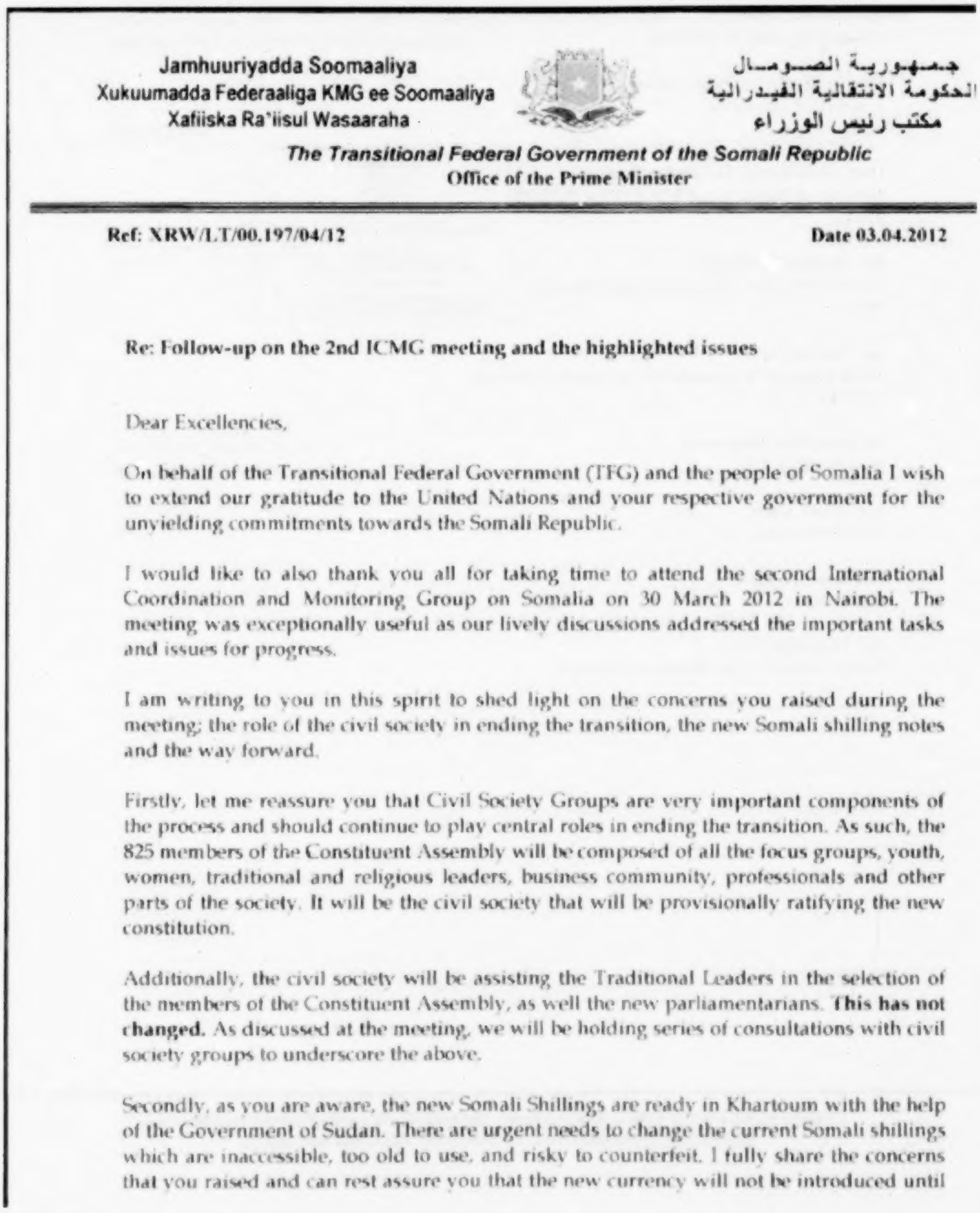
Mr.Johnathan Hargreaves
Somali DFID, UK

Ms. Maura Barry
USAID Somalia

Ms. Jessica Davis
US Embassy

Dr. Abdusalam Omer
Senior Advisor to the Minister of Finance

Annex 1.3.c.: Letter from TFG PM Dr. Abdiweli Mohamed Ali to the Special Representative of the UN Secretary General for Somalia and to the members of the International Coordination and Monitoring Group on Somalia dated 3 April 2012



Jamhuuriyadda Soomaaliya
Xukuumadda Federaaliga KMG ee Soomaaliya
Xafiiska Ra'iisul Wasaaraha

جمهورية الصومال
الحكومة الانتقالية الفيدرالية
مكتب رئيس الوزراء

The Transitional Federal Government of the Somali Republic
Office of the Prime Minister

Ref: XRW/LT/00.197/04/12 **Date 03.04.2012**

Re: Follow-up on the 2nd ICMG meeting and the highlighted issues

Dear Excellencies,

On behalf of the Transitional Federal Government (TFG) and the people of Somalia I wish to extend our gratitude to the United Nations and your respective government for the unyielding commitments towards the Somali Republic.

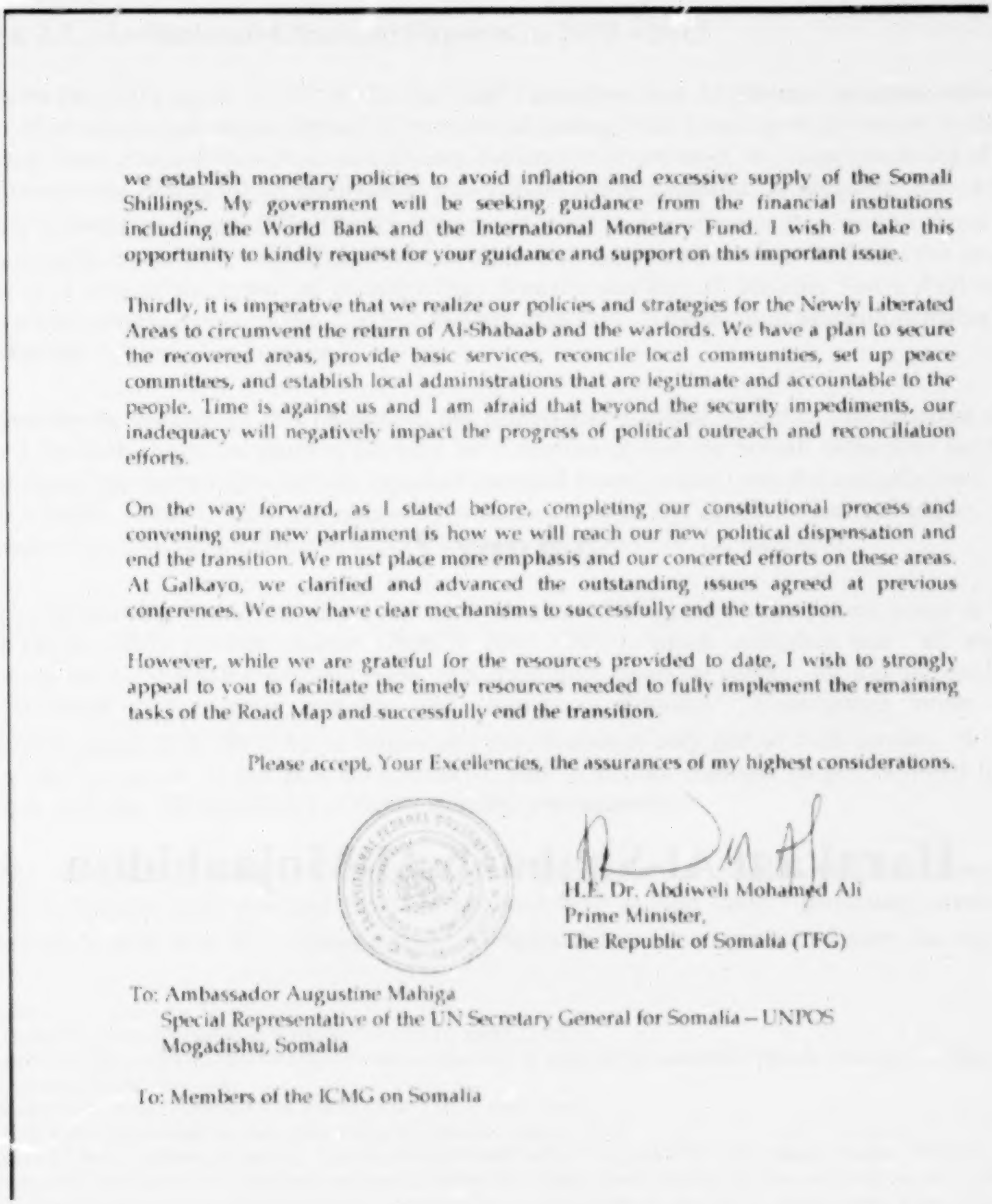
I would like to also thank you all for taking time to attend the second International Coordination and Monitoring Group on Somalia on 30 March 2012 in Nairobi. The meeting was exceptionally useful as our lively discussions addressed the important tasks and issues for progress.

I am writing to you in this spirit to shed light on the concerns you raised during the meeting; the role of the civil society in ending the transition, the new Somali shilling notes and the way forward.

Firstly, let me reassure you that Civil Society Groups are very important components of the process and should continue to play central roles in ending the transition. As such, the 825 members of the Constituent Assembly will be composed of all the focus groups, youth, women, traditional and religious leaders, business community, professionals and other parts of the society. It will be the civil society that will be provisionally ratifying the new constitution.

Additionally, the civil society will be assisting the Traditional Leaders in the selection of the members of the Constituent Assembly, as well the new parliamentarians. **This has not changed.** As discussed at the meeting, we will be holding series of consultations with civil society groups to underscore the above.

Secondly, as you are aware, the new Somali Shillings are ready in Khartoum with the help of the Government of Sudan. There are urgent needs to change the current Somali shillings which are inaccessible, too old to use, and risky to counterfeit. I fully share the concerns that you raised and can rest assure you that the new currency will not be introduced until



we establish monetary policies to avoid inflation and excessive supply of the Somali Shillings. My government will be seeking guidance from the financial institutions including the World Bank and the International Monetary Fund. I wish to take this opportunity to kindly request for your guidance and support on this important issue.

Thirdly, it is imperative that we realize our policies and strategies for the Newly Liberated Areas to circumvent the return of Al-Shabaab and the warlords. We have a plan to secure the recovered areas, provide basic services, reconcile local communities, set up peace committees, and establish local administrations that are legitimate and accountable to the people. Time is against us and I am afraid that beyond the security impediments, our inadequacy will negatively impact the progress of political outreach and reconciliation efforts.

On the way forward, as I stated before, completing our constitutional process and convening our new parliament is how we will reach our new political dispensation and end the transition. We must place more emphasis and our concerted efforts on these areas. At Galkayo, we clarified and advanced the outstanding issues agreed at previous conferences. We now have clear mechanisms to successfully end the transition.

However, while we are grateful for the resources provided to date, I wish to strongly appeal to you to facilitate the timely resources needed to fully implement the remaining tasks of the Road Map and successfully end the transition.

Please accept, Your Excellencies, the assurances of my highest considerations.

H.E. Dr. Abdiweli Mohamed Ali
Prime Minister,
The Republic of Somalia (TFG)

To: Ambassador Augustine Mahiga
Special Representative of the UN Secretary General for Somalia – UNPOS
Mogadishu, Somalia

To: Members of the ICMG on Somalia

Annex 2

Harakaat Al-Shabaab Al-Mujaahidiin

Annex 2.1.: Al-Shabaab Charcoal Exports in 2011 - 2012

1. In its July 2011 report (S/2011/433), the SEMG described how Al-Shabaab generates millions of dollars of revenues each month through a coordinated trading cycle based upon the export of charcoal. Revenues from charcoal exports in turn finance the import of commodities, large quantities of which are subsequently smuggled as contraband into neighbouring countries, particularly Kenya.[1] U.N. Security Council resolution 2036 (2012) determined that "such commerce may pose a threat to the peace, security, or stability of Somalia," and decided that "Somali authorities shall take the necessary measures to prevent the export of charcoal from Somalia and that all Member States shall take the necessary measures to prevent the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia."[2]

2. Despite the passage of this resolution, the SEMG has obtained evidence that charcoal exports from Al-Shabaab-controlled parts of Somalia have continued; that the Somali authorities have taken no significant measures to prevent the export of charcoal from Somalia; and that not only have certain Member States failed to take the necessary measures to prevent direct or indirect import of this commodity, but that Somali charcoal exports to those States have in fact increased.[3]

3. The Monitoring Group has also confirmed that the GCC-Somalia trade pattern noted in SEMG report (S/2011/433) persists despite UNSCR 2002 (2011), which considers that "all non-local commerce via Al-Shabaab controlled ports, that constitutes financial support for a designated entity, poses a threat to the peace, stability, and security of Somalia."[4] Commercial motor vessels transporting goods from the UAE to Mogadishu port discharge only part of their cargoes, in order to deliver the remainder to the port of Kismaayo, and to collect charcoal cargos destined to GCC countries, with the full knowledge of the Mogadishu port authority.[5]

4. The total trade volume of charcoal exports from southern Somalia in 2011 represents a significant increase over previous years, to between 9-10 million sacks,[6] generating revenues for Al-Shabaab in excess of $25 million a year.[7] Al-Shabaab's revenues generated from the production

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[1] See S/2011/433, paras 69-78.

[2] U.N. Security Council Resolution S/RES/2036 (2012), paras 22-23.

[3] As noted in SEMG report (S/2011/433), the trade of charcoal is affected by seasonable factors, and most trading activities occur between October and June.

[4] See S/2011/433, para 72 and UNSCR S/RES/2002 (2011) paras 3-4.

[5] Interview with Dubai based Somali traders and transporters, March 2012.

[6] See paras 12 and 23 below and several interviews conducted in the UAE and KSA with charcoal traders between November 2011 and April 2012. The trade estimation might be slightly lower if Saudi Arabia and UAE customs offices record the export and re-export data separately; however this is rarely done in practice. Recording them separately may require the use of supplementary sources of information in order to determine the origin of re-exports, that is, to determine that the goods in question are indeed re-exports rather than the export of goods that have acquired domestic origin through processing (http://www.trademap.org/).

[7] The 2011 charcoal trade volume is significantly higher than the one reported by the SEMG in its July 2011 report (S/2011/433), para 2 in Annex 3.1. The SEMG 2011 report conservatively estimated the total Somali charcoal export to be between 3.5 million to 4.5 million sacks in 2010. However, according to UAE and Saudi Arabia statistics figures, Somalia has exported over 7 million sacks in 2010 (pars 12 and 13). The income generated in 2011 is also significantly higher that the $15 million estimated in S/2011/433, para 2 in Annex 3.1.

tax, transport tax, checkpoints fees, Zakat contribution, port charges, and export tax of charcoal are computed according to tax figures outlined in the SEMG July 2011 report (S/2011/433),[8] and the Group has confirmed that Al-Shabaab port authorities did not modify import and export tax rates in 2011.[9]

5. A number of factors help to explain this increase in the volume of charcoal exports:

i) Higher demand for Somali charcoal from Gulf Cooperation Countries (GCC) especially the Kingdom of Saudi Arabia and the United Arab Emirates;[10]

ii) Due to the significant increase in total trade volume between Somalia and the GCC, there are more demands for vessels to transports goods and commodities from GCC to Somalia, which in turn make vessels available to collect charcoal for the return journey;[11]

iii) Increased humanitarian assistance to central and southern Somalia requires more vessels to deliver aid through the port of Mogadishu. Many such vessels discharge their humanitarian cargoes at the port of Mogadishu before heading to the southern ports of Kismayo, Marka and/or Baraawe to load charcoal,[12] since having a full cargo on both inward and outward journeys significantly reduces transport costs.[13]

iv) The export of charcoal from southern Somali ports of Kismaayo, Baraawe and Marka has increased in order to compensate the loss of charcoal exports from the ports of Buur Gaabo and Qudha, which were seized by the Kenyan Defence Forces (KDF) in late 2011 and early 2012.

Primary importers of Somali charcoal

6. Gulf Cooperation Countries are the main direct and indirect importers of charcoal from Somalia. The two principal direct importers of Somali charcoal are the United Arab Emirates and the Kingdom of Saudi Arabia. The Monitoring Groups has confirmed that neither country has yet taken measures, as required by Security Council resolution 2036 (2012), to prevent this trade.

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[8] See S/2011/433, paras 69-78 and Annex 3.2.

[9] Interview with Dubai based Somali traders and transporters, March 2012.

[10] See Tables 1 and 2 below. In addition, in 2011 the C&F (custom and freight) price of charcoal in the GCC had significantly increased compared to 2010. In 2011, it has varied approximately between AED 28 and AED 40 per sack (between $7 and $11 per sack). The SEMG report (S/2011/433) reported that in 2010, the C&F price varied between $5 and $7 per sack (para 8 in Annex 3.2).

[11] The SEMG 2011 report (S/2011/433) depicts how shipping companies deliver sugar to Kismayo and collect charcoal for the return journeys (paras 69-71). Improvements of the political and security situation in Mogadishu have a positive impact on commerce between GCC and Somalia. Interviews with Dubai based Somali businessmen between November 2011 and April 2012.

[12] See S/2011/433, paras 3-18 in Annex 3.1.

[13] Interview with a Dubai based trader and transporter, Dubai, 29 February 2012.

United Arab Emirates

7. During the first half of 2012, the SEMG obtained evidence that the UAE sustained its importation of charcoal from Somalia at a slightly higher rate compared to the first half of 2011.[14] According to an official from the Sharjah Ports Authority, the UAE imports between 500,000 and 600,000 sacks of charcoal from Somalia per month, and 15 to 20 wooden dhows loaded with charcoal arrive in Sharjah from Somalia per month.[15] Somali charcoal is packaged for export in sacks weighting 23-25 kg each.

8. The Monitoring Group has identified several UAE based companies importing charcoal from Somalia. As reported in SEMG report (S/2011/433) Saleh Da'ud Abdulla, General Manager of Al Baoon Trading Co. (L.L.C.) is still operating in the UAE and Saudi Arabia.[16] Other major UAE based major charcoal traders include Wade Al Hejaz General Trading (L.L.C.)[17] and Jubba General Trading (L.L.C).

9. Jubba General Trading is managed by Abdi Ali Farah (Hawiye/Murursade),[18] which owns the MV Nawal III,[19] a general cargo ship, and the MV Jubba XX, an oil products tanker, which was seen in the vicinity of the southern Somali port of Baraawe on 7 November 2011.[20] Jubba General Trading is reportedly also the owner of MV Nawal Ali, a general cargo ship.[21]

10. Most of the UAE-based Somali commodity traders who export goods through Kismaayo operate on a small scale: individual merchants with limited trading volume capacities, and who often operate without a registered company. However, at least two important companies, Jubba General Trading (L.L.C) and Baalgoray General Trading Company (L.L.C)[22] have been exporting commodities to Kismaayo.[23]

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[14] Interview with Dubai based Somali traders and transporters, March 2012.

[15] Interviews with officials from the Sharjah Port Authority, Sharjah, 24 January 2012 and 3 April 2012.

[16] See SEMG report (S/2011/433), Annex 3.1.

[17] Wade Al Hejaz General Trading (L.L.C.) was registered in the Dubai Chamber of Commerce and Industry on 16 June 2003. Its Dubai license number is 546157. Wade Al Hejaz listed shareholders are Abdulla Abubakar Abdulla Mohammad Zarra from the UAE, Hassan Derayah, Hassan Abshar Fareh, Mohamad Ali Hassan Abedi and Osman Ahmad Moosa; all are from Somalia (See Attachment 2.1.a). By law, most registered companies in the UAE need a UAE national partner or sponsor.

[18] Interview with Dubai based Somali traders and transporters, March and May 2012.

[19] Nawal III is a Tanzania flagged general cargo ship (IMO 7206378 owned and managed by Jubba General Trading (L.L.C), PO Box 19965, Sharjah, United Arab Emirates.

[20] MV Jubba XX (renamed Madina 1 on 1 December 2011) is a UAE flagged oil products tanker (IMO 7916260) owned and managed by Jubba General Trading (L.L.C), PO Box 19965, Sharjah, United Arab Emirates.

[21] MV Nawal Ali is a Tanzania flagged general cargo ship (IMO 6923802) owned and managed by Abdalla Ali Shipping Inc., Panama City, Panama.

[22] Baalgoray General Trading Company was registered in the Dubai Chamber of Commerce and Industry on 16 January 2011. Its Dubai license number is 648781. Baalgoray listed shareholders are Maryam Abdulla Salem W/O, Eisa Hamed AlMerri from the UAE, Hussain Roubli Mohamed from Djibouti, Abu Baker Hashiawalla from Norway, and Mohamed Ali Kar from Kenya (See Attachment 2.1.b).

[23] Interview with Dubai based Somali traders and transporters, March and May 2012. Interview with a Dubai based Djiboutian trader who sold commodities (such as rice and milk) to Baalgoray General Trading, and which have been exported to Kismayo, Dubai, 3 April 2012.

11. The SEMG note that neither the UAE authorities nor the Somali representatives in the GCC inform these traders that the Security Council considers such commerce as a potential threat to the peace, security, or stability of Somalia, and that these traders could consequently be subject to sanctions.[24]

Table 1: UAE Imports from Somalia by Volume and Value, 2008 – 2011

UAE Imports from Somalia by Volume and Value, 2008 – 2011[25]								
Item Imported	2008		2009		2010		2011[26]	
	Weight in Million Kg	Value in Million AED	Weight in Million Kg	Value in Million AED	Weight in Million Kg	Value in Million AED	Weight in Million Kg	Value in Million AED
All Import	97	230	136	296	147	297	164	264
Wood and article of wood; Wood Charcoal[27]	83	42	122	61	127	64	143	71

12. UAE imports of Somali charcoal have been growing steadily since Al-Shabaab seized the port of Kismaayo in 2009, when imports in 2009 jumped 47 per cent over the previous year, from 83 million kg to 122 million kg.[28] In 2010, UAE imports of Somali charcoal increased to 127 million kg (or approximately 5 million sacks of charcoal) and again in 2011 to 143 million kg (5.7 million sacks). The total value of the UAE charcoal import from Somalia also grew from AED 64 Million in 2010 to AED 71 Million in 2011 -- an increase of 10.9 percent.

13. As the chart below indicates, charcoal represents between 85 to 93 percent of total UAE import volume from Somalia, a ration that has remained almost constant since 2008. In addition to charcoal, the UAE's main imports from Somalia are live animals and their products, as well as vegetable products such as dry lemon and sesame seeds.

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[24] Most UAE based businessmen and traders interviewed by the SEMG claim that they are not aware of the sanction regimes on Somalia, and that they have not received any directive from the UAE authorities; interviews conducted in the UAE between November 2011 and April 2012.

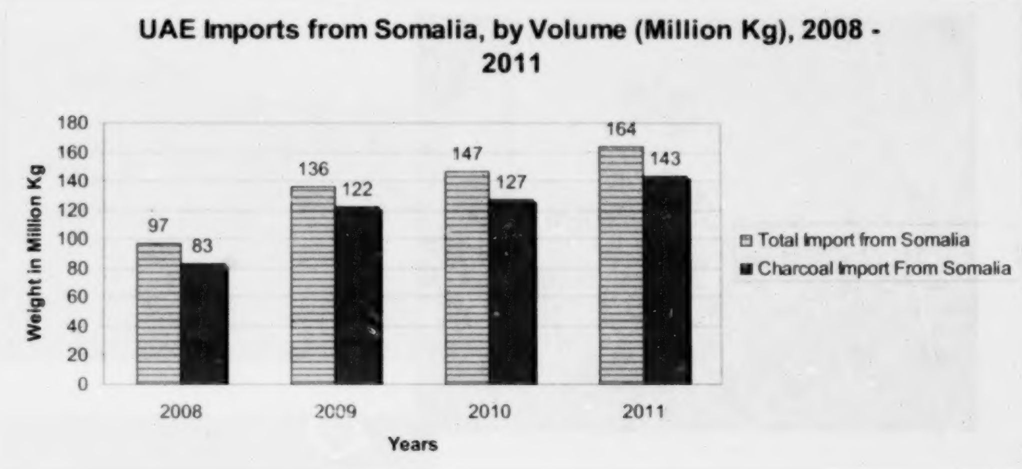
[25] Source UAE Federal Customs Authority (http://www.customs.ae) and UAE National Bureau of Statistics (http://www.uaestatistics.gov.ae).

[26] Data obtained by electronic mail from the UAE Federal Custom Authority on 28 May 2012.

[27] The UAE authorities classify "wood and articles of wood" with "wood charcoal" according to Harmonized System Codes (HS Code); standard issue by the World Custom Organization to unify the classification of the goods. Despite that wood charcoal is classified together with "wood and articles of wood", the SEMG confirmed that the UAE mainly imports wood charcoal and rarely imports "wood and articles of wood" from Somalia. Interviews conducted with Dubai based businessmen and traders in May 2012.

[28] See SEMG report (S/2011/433), para 64.

Chart 1: UAE Imports from Somalia, by Volume (million Kg), 2008 – 2011



14. Official trade statistics obtained from the UAE Federal Customs Authority show that the volume of the total trade between the UAE and Somalia increased from 444 million kg in 2010 to 522 million kg in 2011: a growth rate of 17.6 per cent. The total value of the UAE trade with Somalia has been raised from AED 1,356 million in 2010 to AED 1,605 million in 2011, an increase of 18.4 per cent.[29] This implies greater demand for vessels to transport goods and commodities from UAE to Somalia, which in turn makes vessels available to collect charcoal for the return journey.

The Creek of Sharjah, UAE

15. The SEMG has identified the creek of Sharjah in the UAE as the main port of entry used by charcoal traders to discharge charcoal cargos originated from Somalia. During several visits to the Sharjah creek between November 2011 and April 2012, the Monitoring Group observed a series o dhows carrying up to 35,000 sacks of charcoal each arriving from Kismaayo, Baraawe and, Mark. Docked at the wharf, most these dhows unloaded their cargos onto trucks, but some prepared their charcoal for re-export to other countries in the region, such as Iran, Kuwait, Saudi Arabia and, Syri.

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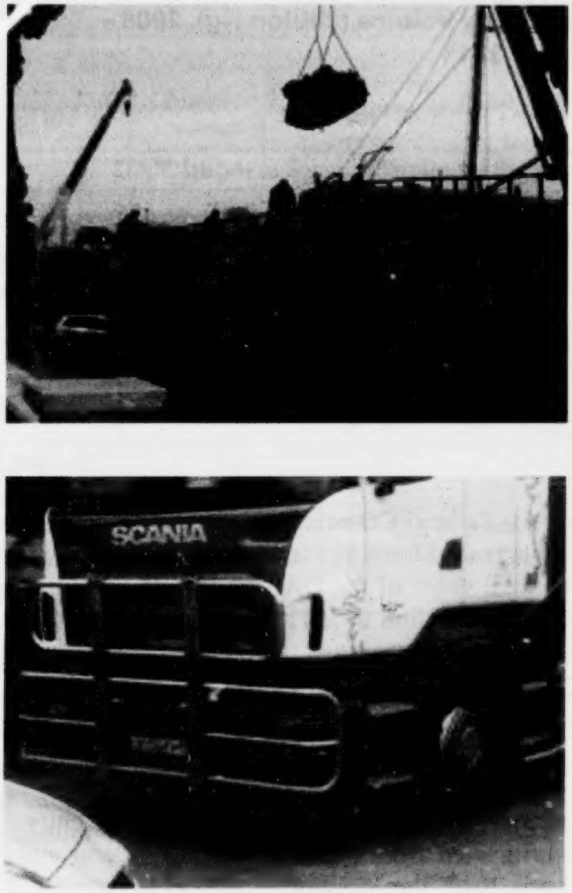
[29] Data obtained by electronic mail from the UAE Federal Custom Authority on 28 May 2012.

Pictures 1 & 2: MSV Shree Shiv Shakti MN 2083 unloading charcoal sacks on a truck heading to Syria, Sharjah creek, 3 April 2012



16. Some of the charcoal is processed and re-packaged in the UAE, whether for internal consumption or for export to a third country. For example, pictures 3 and 4 below show charcoal repacked into 10 kg sacks being loaded into a dhow bound for Iran, at the creek of Dubai on 12 December 2011. The charcoal has been relabelled 'Al-Ambarator', a brand owned by Al Qaed International trading L.L.C.

Pictures 3 & 4: Al-Ambarator Charcoal being loaded on a dhow heading to Iran, Dubai creek, 12 December 2011

17. After unloading charcoal in Sharjah, dhows normally load a variety of goods lined up on the wharfs of Sharjah or Dubai creeks and return to the southern Somali ports where they can obtain more charcoal.

Picture 5: Workers loading several types of goods on a dhow heading to Somalia, Sharjah creek, 24 January 2012

Kingdom of Saudi Arabia

18. Like the UAE, imports of Somali charcoal to Saudi Arabia during first half of 2012, represented an increase over the same period in 2011.[30] According to an official from the Jizan Port Authority, KSA imports between 200,000 and 300,000 sacks of charcoal from Somalia per month through the ports of Jizan, Damam, and Jeddah.[31]

19. The Monitoring Group has identified several Saudi Arabia-based companies importing charcoal from Somalia. As noted in para 8 above, Saleh Da'ud Abdulla, General Manager of the UAE based Al Baoon Trading Co. (L.L.C.) is still operating in the UAE and Saudi Arabia.[32] In Jeddah, the Monitoring Group confirmed that Mr. Da'ud owns "Hind Establishment for the Trading of Coal and Firewood," a licensed 'pen' (shop) in the Jeddah coal and firewood market, located near the livestock market.

Pictures 6 & 7: General Administration of Slaughterhouses and Public Markets in Jeddah Municipality, Central Directorate of Livestock Market, Name: Hind Establishment for the Trading of Coal and Firewood, store number 35 and license number (N/A), the SEMG confirmed that sacks of charcoal in the back lot is imported from Somalia, 12 December 2011.

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[30] Interview with Jizan port officials and Jizan based charcoal clearing agents, December 2011 and May 2012.

[31] Interview with Jizan port officials and Jizan based charcoal clearing agents, December 2011 and May 2012.

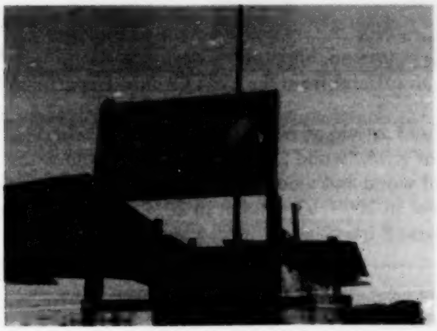
[32] See SEMG report (S/2011/433), Annex 3.1.

20. In the same Jeddah market, the SEMG has identified two other traders importing charcoal from Somalia on regular basis: Saud Nasser Al-Mdra'a and Bandar Faraj Al-Saa'di. The SEMG has also confirmed that Talal Al-Saa'di is major charcoal trader based in Riyadh, who imports charcoal from Baraawe and Kismaayo.

Pictures 8 & 9: General Administration of Slaughterhouses and Public Markets in Jeddah Municipality, Central Directorate of Livestock Market, Name: Saud Nasser Al-Mdra'a, *pen number 28 + 29 and license number (N/A), the SEMG confirmed that sacks of charcoal in the back lot is imported from Somalia, 12 December 2011.*

الادارة العامة للمسالخ
ادارة سوق الانعام المركزي

Pictures 10 & 11: General Administration of Slaughterhouses and Public Markets in Jeddah Municipality, Central Directorate of Livestock Market, Name: Bandar Faraj Al-Saa'di, *store number 22 and license number (), the SEMG confirmed that sacks of charcoal in the back lot is imported from Somalia, 12 December 2011.*



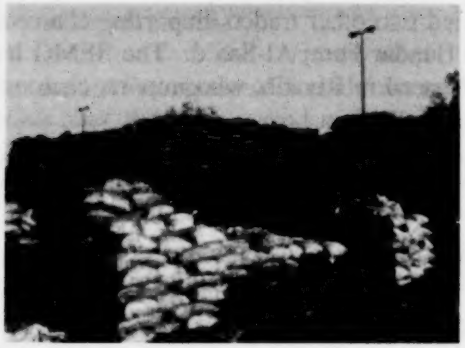


Table 2: KSA imports from Somalia, and KSA total charcoal import, by volume and value, 2008 – 2011

KSA imports from Somalia, and KSA total charcoal import, by volume and value, 2008 – 2011[33]									
Countries	**Items**	**2008**		**2009**		**2010**		**2011[34]**	
		Weight in Million Kg	**Value in Million SR**	**Weight in Million Kg**	**Value in Million SR**	**Weight in Million Kg**	**Value in Million SR**	**Weight in Million Kg**	**Value in Million SR**
Somalia	**All Export**	27	80	19	63	25	78	28	140
Somalia	**All Import**	101	62	96	161	132	508	274	840
Somalia	**Wood and article of wood; Wood Charcoal[35]**	95	50	82	50	66	37	107	43
All Countries	**Wood and article of wood; Wood Charcoal**	99	57	87	57	71	43	111	50

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[33] Data obtained from the KSA Central Department of Statistics and Information, http://www.cdsi.gov.sa.

[34] Statistics figures for 2011 were obtained in a phone interview with an official from the KSA Central Department of Statistics and Information on 3 June 2012.

[35] Noteworthy that most of the total volume of KSA import of "wood and article of wood as well as wood charcoal" originates from Somalia. In fact, the chart below shows that the ratio of KSA "wood and article of wood and wood charcoal" import from Somalia to total imports of "wood and article of wood and wood charcoal", has slightly varied over the years 2008 to 2011; it was around 95.9 percent in 2008, 94.2 percent in 2009, 93 percent in 2010 and 95.5 percent in 2011.

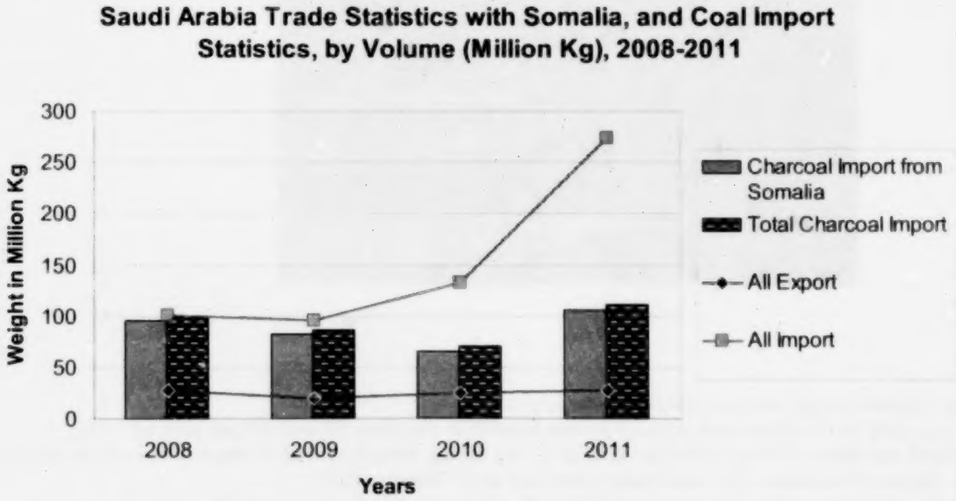
21. Trade statistics obtained from the KSA Central Department of Statistics and Information shows that, unlike the UAE, the volume of KSA charcoal imports from Somalia between 2008 and 2010 experienced a decrease. Between 2008 and 2009, imports fell from 95 million kg to 82 million kg, a decline of 15.8 per cent. In 2010, charcoal imports fell again to 66 million kg: a further decrease of 19.5 per cent.

22. Despite a decrease in volume, the value of Somali charcoal imports to KSA did not change between 2008 and 2009, and was assessed at SR50 million both years. But in 2010, the assessed value dropped from SR50 million in 2009 to SR37 million, a decrease of 26 percent.

23. But in 2011, imports of charcoal from Somalia to KSA dramatically increased from 66 million kg (approximately 2.6 million sacks) in 2010 to 107 million kg (approximately 4.28 million sacks), representing a growth rate of 62.1 per cent. However, the total value of charcoal imports has increased from SR37 million (approx. $9.8 Million) in 2010 to SR43 million (approx. $11.5 million) in 2011: a total growth rate of only 16.2 percent according to official figures.[36]

24. Finally, as also shown in chart 2 below, the total volume and value of trade between KSA and Somalia have significantly increased over the years. This significant increase in total trade volume between Somalia and the KSA generates more demand for vessels to transport goods and commodities from KSA to Somalia, which in turn makes vessels available to collect charcoal for the return journey.

Chart 2: Saudi Arabia trade statistics with Somalia, and Saudi Arabia coal import statistics, by volume (million kg), 2008 – 2011



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[36] Other Saudi Arabia imports from Somalia are Somalia live animals and their products as well as vegetable products such as dry lemon and sesame seeds.

The Port of Jizan

25. The port of Jizan is situated on the southern Red Sea coast and it is located near the main east-west sea-trade routes to Europe, the Far East and Arabian Gulf.[37] The Monitoring Group has obtained evidence that 36 million kg of charcoal were imported from Somalia through the port of Jizan in 2011, representing around 1.4 million sacks of charcoal.[38] Charcoal cargos imported through the port of Jizan are only exported to other Saudi Arabia cities (mainly Jeddah and Riyadh) for local consumption. The Monitoring Group has verified that in May 2012, charcoal originating in Somalia was still being discharged in the port of Jizan, and that the overall the volume of charcoal imports from Somalia during the first semester of 2012 is quite similar to the first semester of 2011.[39]

26. During the first week of December 2011, two wooden dhows discharged in Jizan a total of 210,995 sacks of charcoal originating from Somalia and imported by Saud Nasser Al-Mdra'a. One dhow offloaded 112,995 sacks of charcoal and another one 98,000 sacks of charcoal. Both shipments were then transported by land to Jeddah. The Monitoring Group has identified Abdurahman Ali Warsame, the Dubai based Somali trader mentioned in the previous SEMG report (S/2011/433), as the shipper of both cargos.[40]

Picture 12: Sacks of charcoal stacked on the Port of Jizan's wharf. The cargo was being discharged from MSV Dona Dunya, a Syrian owned dhow on 4 December 2011.

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[37] http://www.ports.gov.sa/section/full_story.cfm?aid=1611&catid=63.

[38] In December 2011, the C&F price of charcoal in Saudi Arabia was SR33 (between $8 and $9) per sack of 25 Kg. It could reach between SR45 and SR50 ($12 and $14) per sack of 25 Kg during Monsoon season. Interviews with an official from the port of Jizan, Jizan, 4 December 2011, and phone interview on 17 January 2011.

[39] Phone interviews with a Jizan based charcoal clearing agent and a Dubai based transporter familiar with the port of Jizan on 31 May 2012.

[40] Interview with a Jizan based clearing agent, Jizan, 4 December 2011 and, S/2011/433, para 18 in Annex 3.1. The 112,995 sacks cargo was transported by MSV Dona Dunya, a Syrian owned Dhow, and the 98,000 sacks cargo was transporter by MSV Ahsraf.

Picture 13: A truck loaded with charcoal coming from Somalia leaving the port of Jizan and heading to Jeddah, 4 December 2011. The cargo was imported by Saud Nasser Al-Mdra'a and shipped by Abdurahman Ali Warsame.

27. Talal Al-Saa'di is another major Saudi Arabian importer of Somali charcoal. In mid-December 2011, he imported between 60,000 and 70,000 sacks of charcoal from Somalia on board the MV Victoria, a Jordanian-flagged general cargo vessel.[41] On or about 20 May 2012, the MV Victoria again delivered for Al-Saa'di approximately 100,000 sacks of charcoal originating from the Somali southern port of Baraawe, In addition, on or about 13 November 2011, and prior to sailing for Jizan, the MV Victoria had been anchored at the port of Mogadishu delivering humanitarian cargo for ICRC, UNICEF and the International Islamic Relief Organization.

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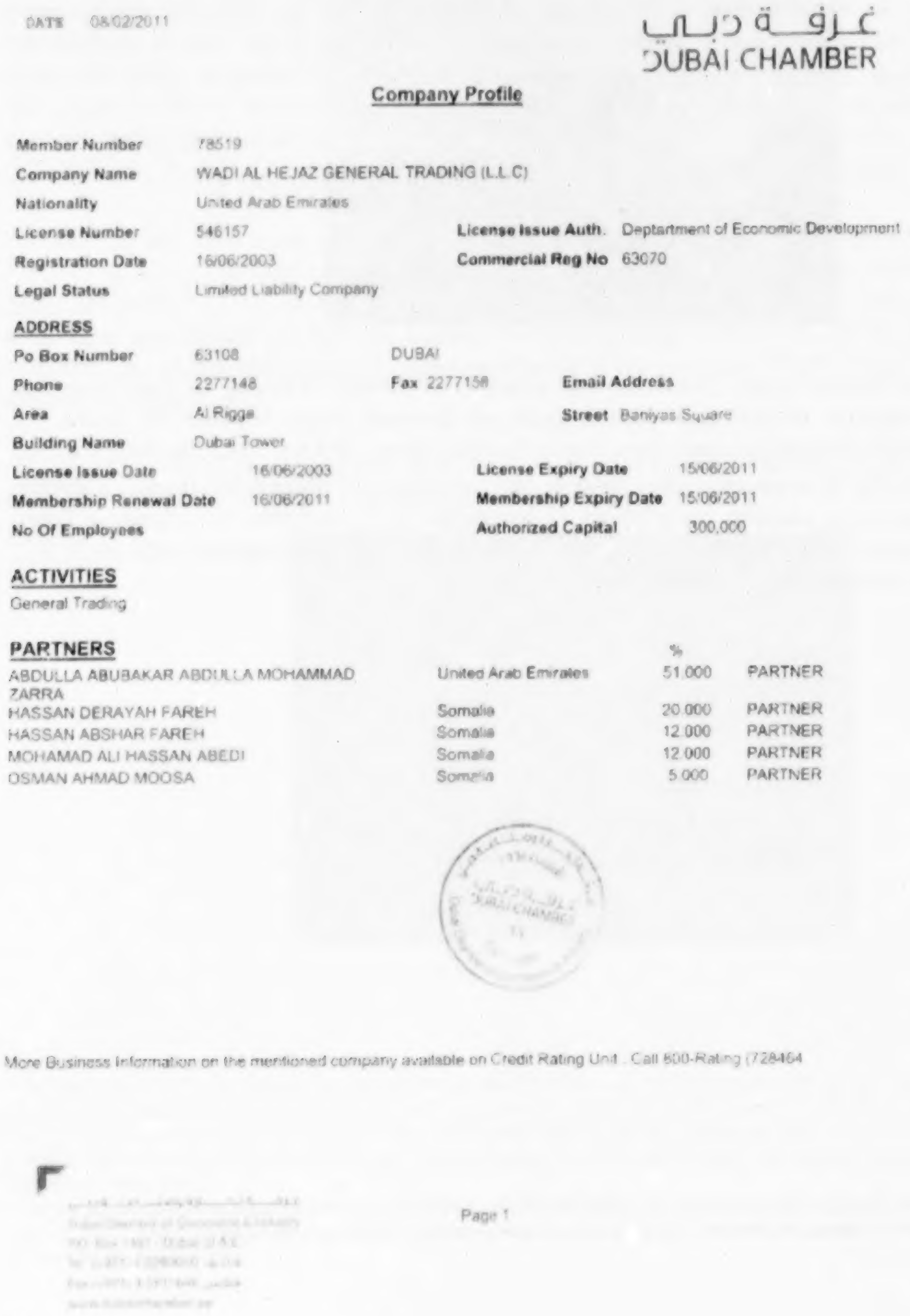
[41] MV Victoria is a Jordanian flagged general cargo ship (IMO 7906203), owned by FARIDA, Care of Ajman Shipping & Trading (L.L.C.), PO Box 932, Ajman, UAE. MV Victoria is managed by Ajman Shipping & Trading (L.L.C.), PO Box 932, Ajman, UAE.

Annex 2.1.a.: Wade Al Hejaz General Trading (L.L.C.) company profile Dubai Chamber of Commerce & Industry



DATE 08/02/2011

غرفة دبي
DUBAI CHAMBER

Company Profile

Member Number	78519		
Company Name	WADI AL HEJAZ GENERAL TRADING (L.L.C)		
Nationality	United Arab Emirates		
License Number	546157	**License Issue Auth.**	Deptartment of Economic Development
Registration Date	16/06/2003	**Commercial Reg No**	63070
Legal Status	Limited Liability Company		

ADDRESS

Po Box Number	63108	DUBAI			
Phone	2277148	**Fax**	2277158	**Email Address**	
Area	Al Rigga			**Street**	Baniyas Square
Building Name	Dubai Tower				

License Issue Date	16/06/2003	**License Expiry Date**	15/06/2011
Membership Renewal Date	16/06/2011	**Membership Expiry Date**	15/06/2011
No Of Employees		**Authorized Capital**	300,000

ACTIVITIES

General Trading

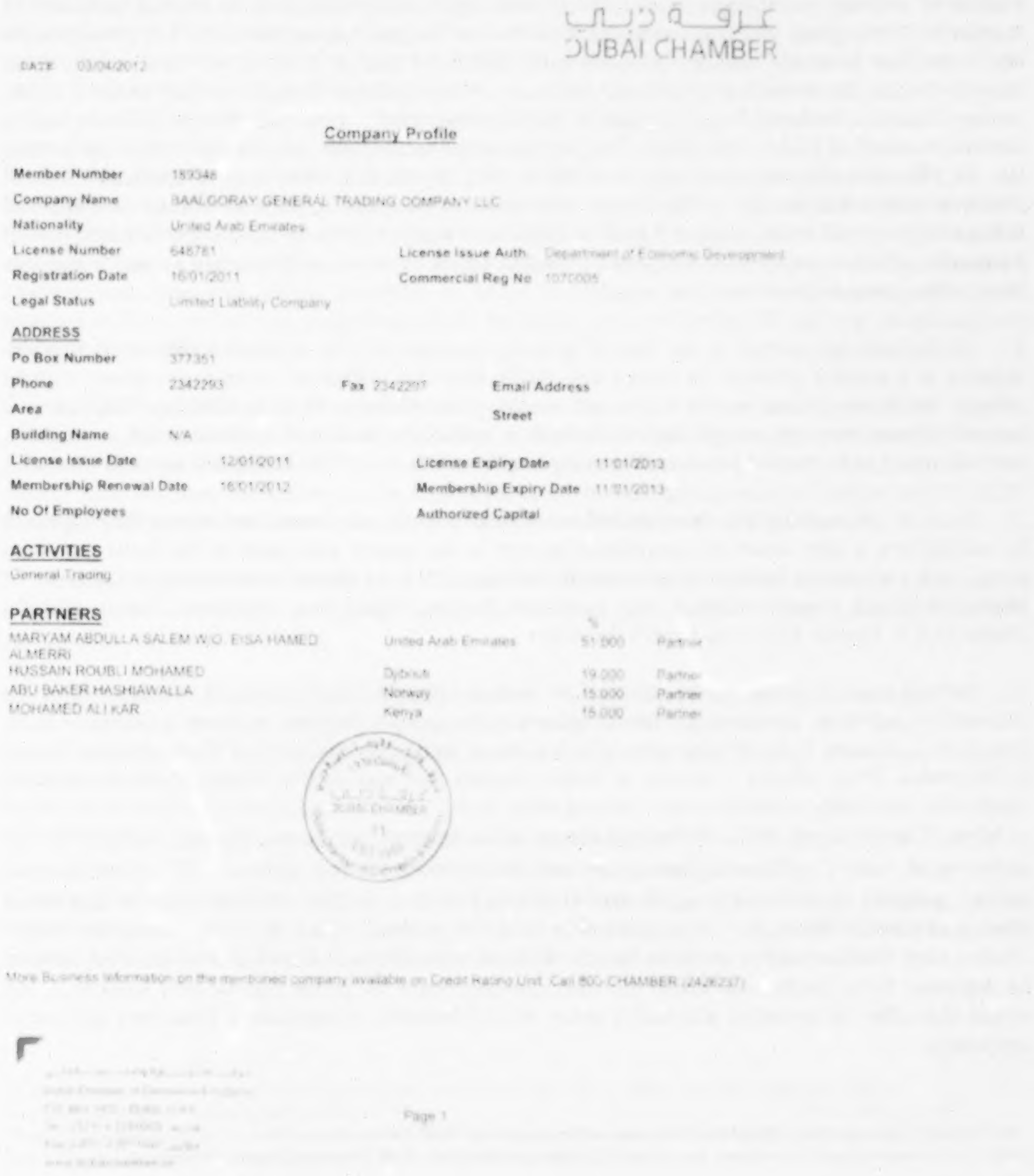
PARTNERS

		%	
ABDULLA ABUBAKAR ABDULLA MOHAMMAD ZARRA	United Arab Emirates	51.000	PARTNER
HASSAN DERAYAH FAREH	Somalia	20.000	PARTNER
HASSAN ABSHAR FAREH	Somalia	12.000	PARTNER
MOHAMAD ALI HASSAN ABEDI	Somalia	12.000	PARTNER
OSMAN AHMAD MOOSA	Somalia	5.000	PARTNER

More Business Information on the mentioned company available on Credit Rating Unit . Call 800-Rating (728464

Page 1

Annex 2.1.b.: Baalgoray General Trading Company (L.L.C.) company profile Dubai Chamber of Commerce & Industry



DUBAI CHAMBER

DATE 03/04/2012

Company Profile

Member Number 189348

Company Name BAALGORAY GENERAL TRADING COMPANY LLC

Nationality United Arab Emirates

License Number 648781 License Issue Auth. Department of Economic Development

Registration Date 16/01/2011 Commercial Reg No 1070005

Legal Status Limited Liability Company

ADDRESS

Po Box Number 377351

Phone 2342293 Fax 2342297 Email Address

Area Street

Building Name N/A

License Issue Date 12/01/2011 License Expiry Date 11/01/2013

Membership Renewal Date 16/01/2012 Membership Expiry Date 11/01/2013

No Of Employees Authorized Capital

ACTIVITIES

General Trading

PARTNERS

		%	
MARYAM ABDULLA SALEM W/O. EISA HAMED ALMERRI	United Arab Emirates	51.000	Partner
HUSSAIN ROUBLI MOHAMED	Dybouti	19.000	Partner
ABU BAKER HASHIAWALLA	Norway	15.000	Partner
MOHAMED ALI KAR	Kenya	15.000	Partner

More Business information on the mentioned company available on Credit Rating Unit. Call 800-CHAMBER (2426237)

Page 1

Annex 2.2.: Al-Shabaab activities, tactics, techniques and procedures in 2011-12

1. Although still a grave threat to peace, security and stability in Somalia, Al-Shabaab has suffered a series of reverses over the past year and has been significantly weakened by internal divisions. In August 2011, the group withdrew its forces from most of Mogadishu, and has since lost ground in the city's environs to steady military pressure from AMISOM and its TFG allies. Two months later, Kenyan forces, accompanied by a loose coalition of anti-Shabaab Somali militias, entered south-western Somalia, securing long stretches of the common border. Ethiopian troops followed suit in October, occupying parts of northern Gedo, and launched subsequent cross-border offensives in Bay, Bakool, Hiiraan and Gaalgaduud regions in March 2012. By the time of writing, Al-Shabaab's zone of effective control had shrunk to the coastal strip south of Mogadishu, parts of Middle Shabelle and Hiiraan regions, and small, scattered pockets elsewhere. Kenyan plans to capture the strategic port of Kismaayo, which represents Al-Shabaab's principal source of revenue, threatened to deal a decisive blow to the group within a matter of months.

2. Al-Shabaab has reacted to the loss of territory, revenue and the strategic initiative in southern Somalia in a number of ways. In most cases, Al-Shabaab has withdrawn from major towns without offering resistance, preserving its forces and retaining the ability to fight another day. The dramatic loss of revenue, however, means that Al-Shabaab is unlikely to be able to maintain large units intact, and will revert to its previous incarnation as a guerrilla militia force and clandestine terrorist network.

3. Some Al-Shabaab fighters have shifted north into Puntland and Somaliland, where they appear to be establishing a new centre of operational gravity in the remote highlands of the Golis mountain range, with easy access to the Gulf of Aden. In February 2012, Al-Shabaab completed its take-over of Mohamed Sa'iid Atom's militia group in eastern Sanaag region, and appointed Yaasiin Khaalid Osman (a.k.a. Yaasiin Kilwe) as Atom's successor.

4. Perhaps most importantly, the stress of successive setbacks has exacerbated tensions within Al-Shabaab's leadership, threatening a formal schism if the group's fortunes continue to decline. On 30 March 2012, Hassan Dahir Aweys, whose *Hisb'ul Islam* faction merged with Al-Shabaab under duress in December 2010, offered a sermon at Friday prayers that was deeply critical of the Al-Shabaab leadership, reportedly accusing them – among other faults – of "killing innocent civilians in the name of Islam."[1] In late April 2012, Al-Shabaab forces raided an arms cache near Afgooye, widely believed to belong to Awey's' militia, triggering new tensions between the two factions.[2] The Aweys faction, which reportedly includes other influential Al-Shabaab leaders, such as Mukhtar Roobow and Fu'ad Mohamed Khalaf "Shangole" is considered to be more pragmatic than the wing headed by 'Amir' Ahmed Abdi Godane, and to me more in tune with the mainstream Somali Salafi Islamist movement. Its departure from Al-Shabaab would therefore not only leave the group significantly weakened, but would also offer an attractive alternative many of Al-Shabaab's sympathizers, financiers and active supporters.

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[1] http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/04/05/feature-01.

[2] http://www.somaliareport.com/index.php/post/3272/Shabaab_Weapons_Haul_Exposes_Deeper_Differences.

Al-Shabaab in southern Somalia

5. On 6 August 2011, Al-Shabaab's struggle to maintain its symbolic control over parts of Mogadishu came to an unexpected end. The group's decision to withdraw appears to have been imposed upon it by a combination of tactical and strategic realities. Tactically, Al-Shabaab's attempt at conventional warfare against the superior AMISOM forces in Mogadishu proved ineffective and costly while strategically it needed redeploy forces to other regions where it faced military pressure on several fronts. Nevertheless, the Al-Shabaab forces retreated from Mogadishu in good order, concealing their intentions by launching attacks against both AMISOM and TFG forces in several Mogadishu districts in the early hours of the withdrawal. Al-Shabaab spokesman Sheikh Ali Mohamed Rage subsequently gave a press conference at which he claimed that the manoeuvre represented a change of tactics, not a complete withdrawal from the capital city.[3] Moreover, the group still maintained a commanding presence in a number of Mogadishu districts, including Deyniile, Huriwaa and Yaaqshiid, which permitted its forces to continue asymmetric operations such as the planting of IEDs and mines, preparing suicide bombers, and conducting hit and run attacks against AMISOM and TFG forces.

6. In October 2011, the Kenyan Defence Forces launched Operation 'Linda Nchi' against Al-Shabaab forces in the Jubba Valley, followed in November 2011 by the intervention of Ethiopian National Defence Forces (ENDF) in Gedo, Bay, Bakool, Hiiraan and Gaalgaduud regions (see Annex 5.2.). By June 2012, Kenyan forces had captured the strategic town of Afmadow and the KDF Chief of Staff was quoted announcing plans to advance on the port city of Kismaayo.[4]

7. On 31 December 2011, Al-Shabaab ceded much of Beledweyne, the capital of Hiiraan region, to a combination of Ethiopian troops and Somali militia from the 'Shabelle Valley Administration' and Ahlu Sunna wal Jama'a (ASWJ).

8. Al-Shabaab's leadership also suffered a number of significant losses during the course of the past year, notably the death of foreign Al-Qaeda leader Fazul Abdallah Mohamed on 8 June 2011, in a chance encounter at a Mogadishu checkpoint, and the killing of Bilal el-Berjawi, a British national, in a January 2012 airstrike.

9. Al-Shabaab appears to have sought to offset its declining fortunes on the ground by enhancing its international profile. In early February 2012, Al-Shabaab appointed Ahmed Iman Ali, 'Amir' of the Kenyan Muslim Youth Centre (MYC) as head of Al-Shabaab for Kenya, officially merging the two organizations (see Annex 3.1). On 9 February 2012, Al-Shabaab 'Amir' Ahmed Abdi Godane and Al-Qaeda 'Amir' Ayman al-Zawahiri jointly announced the merger of the two organizations.[5]

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[3] http://kenyalondonnews.co.uk/index.php?option=com_content&view=article&id=9240:al-shabaab-out-of-mogadishu&catid=41:kenya-headlines&Itemid=44.

[4] http://www.nation.co.ke/News/Kenya+reveals+move+to+capture+Kismayu/-/1056/1418698/-/y5ff7i/-/index.html.

[5] http://www.ctc.usma.edu/posts/the-merger-of-al-shabab-and-qaidat-al-jihad.

10. These announcements are likely to have little impact, other than symbolic. The MYC had already been operating from Al-Shabaab controlled regions of Somalia since 2009. Similarly, Al-Shabaab has long sought Al-Qaeda's acceptance, but without success, and the international terrorist network does not currently appear to be in a position to offer a great deal in the way of expertise or resources.

11. Some senior Al-Shabaab figures do not seem to be in favour of the new alliance: Muktar Robow made a public announcement in March 2012 criticizing the merger led by Sheikh Abu Zubeyr "Godane".[6] Likewise, on 16 March 2012, in an unprecedented display of public disunity within the senior ranks of Al-Shabaab, Abu Mansour al-Amriki (a.k.a Omar Hammami) featured in video claiming that his life was threatened by other Al-Shabaab leaders because of disagreements over "matters of the sharia and matters of strategy".[7]

12. At most, the merger might pave the way for closer relationship between Al-Shabaab and Al-Qaeda n the Arabian Peninsula (AQAP). Linkages between the two have existed since at least 2006, but have remained low-key and sporadic in nature. Al-Shabaab's new Al-Qaeda credentials, combined with its growing presence in northeastern Somalia, directly across the Gulf of Aden from Yemen (see below), could potentially alter this equation.

Al-Shabaab tactics, techniques and procedures

13. Despite the withdrawal of Al-Shabaab from Mogadishu in August 2011, the Monitoring Group has continued to map key security-related incidents that have characterized Al-Shabaab's presence in the capital city and its continuing asymmetrical operations against AMISOM and TFG forces. With the exception of sniper attacks and AOG recce-related operations[8] included the following incidents.

Grenades

14. During the period April 2011 to April 2012, the Monitoring Group estimates that there have been at least 155 grenades-related incidents in Mogadishu. These have mainly involved direct attacks against TFG forces, as well as several instances where armed opposition groups and their sympathizers have deliberately targeted international NGOs and organizations. There was no obvious trend or pattern to these recorded incidents.

15. On 21 March 2012, the Monitoring Group received photographic documentation of a PP 89 fragment bomb 60 mm High-Explosive (HE) of the 5-98-9613 series captured from Al-Shabaab elements in Mogadishu on the same day. The markings and construction of the munitions are consistent with those manufactured in the People's Republic of China.

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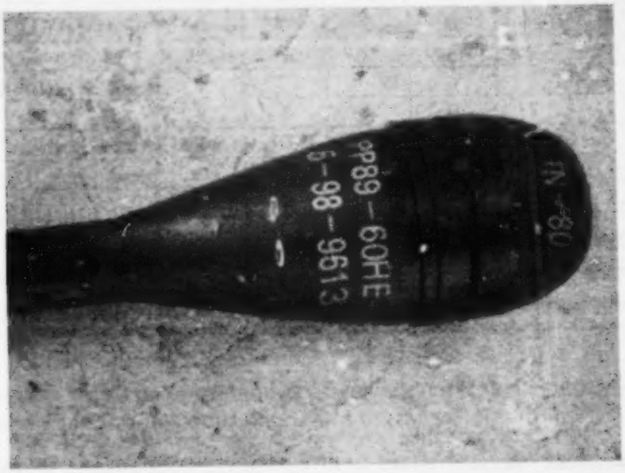
[6] http://africanarguments.org/2012/03/19/understanding-the-al-shabaabal-qaeda-%E2%80%98merger%E2%80%99-by-abdi-aynte/.

[7] http://www.aljazeera.com/news/africa/2012/03/201231718425753907.html.

[8] AOG (RECCE) is defined as any incident involving an unidentified individual or suspected insurgent who is shot and/or arrested while approaching and/or attempting to gain unauthorized entry into an AMISOM area of control.

Mortar ammunition bomb recovered from an Al-Shabaab fighter in the vicinity of "Villa Somalia", ... 2012



16. In response to a query from the Monitoring Group, the Government of the People's Republic o China confirmed that the pictured "type PP89 609mm mortar ammunition [...] was made by a Chinese manufacturer and exported to a third country other than Somalia and Eritrea," but declined to name the country or provide the requested documentation.[9]

Snipers

17. Following the swift and orderly withdrawal of Al-Shabaab from Mogadishu in August 2012, AMISOM and TFG forces occupied important tactical and strategic locations, depriving Al-Shabaab of vantage points for sniping. Between 1 April 2011 and 31 August 2011, the Monitoring Group recorded 43 sniper-related incidents, while from 31 August to April 2012 no such incident has been reported.[10]

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[9] Letter from the Monitoring Group to the Permanent Mission of the People's Republic of China to the United Nations, 29 March 2012 and Letter from the Permanent Mission of the People's Republic of China to the United Nations, 3 May 2012. In contrast with some other member states which have provided complete answers and documentation upon request, the reply from the Government of the People's Republic of China was insufficient for the Monitoring Group to trace the chain of custody of the munition.

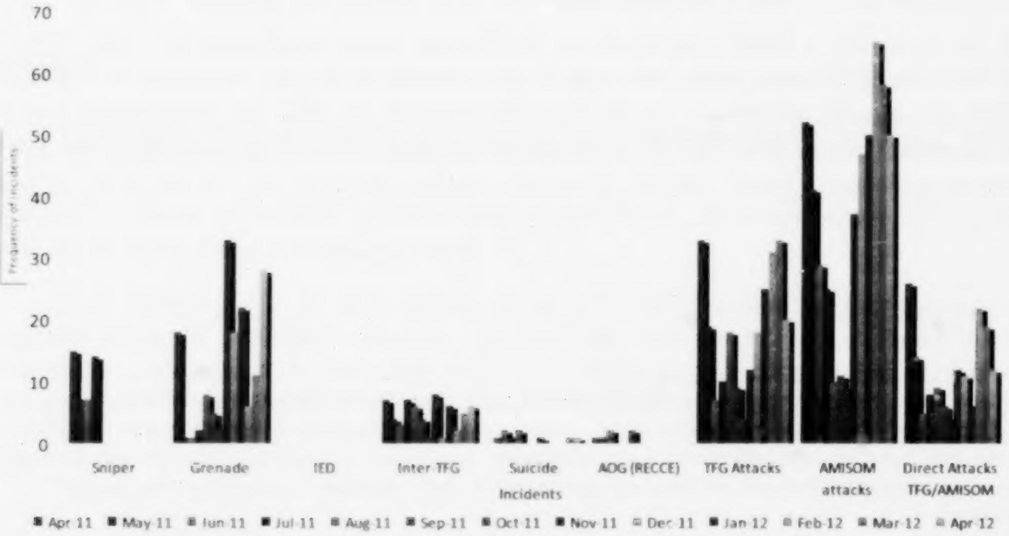
[10] The Monitoring Group is moderately confident that our understanding of sniper-related incidents, which has been guided by previously monitoring Al-Shabaab's positions in Mogadishu and their 'ORBAT' (Order of Battle), is in part due to the group's advantage of "Cover and Concealment" and "Vantage Points". Previous test cases have been Al-Shabaab's sniper attacks against KM4 positions. Al-Shabaab's successful use of snipers at African Village was due to the use of "Cover and Concealment" - African Village has a series of clustered built-up buildings.

Mogadishu Incident Review (April 2011 to April 2012)*

Incident	*Apr-11*	*May-11*	*Jun-11*	*Jul-11*	*Aug-11*	*Sep-11*	*Oct-11*	*Nov-11*	*Dec-11*	*Jan-12*	*Feb-12*	*Mar-12*	*Apr-12*	*Total*
Sniper	15	7	7	14	0	0	0	0	0	0	0	0	0	43
Grenade	18	1	1	2	8	5	2	33	18	22	6	11	28	155
IED[11]														-
Inter-TFG	7	4	3	7	6	4	1	8	1	6	2	5	6	60
Suicide	0	1	2	1	2	0	0	1	0	0	0	1	1	9
AOG (RECCE)	1	1	2	0	0	2	0	0	0	0	0	0	0	6
TFG Attacks	33	19	7	10	18	9	4	12	18	25	31	33	20	239
AMISOM attacks	52	41	29	25	10	11	9	37	47	50	65	58	50	484
Direct Attacks TFG/AMISOM	26	14	5	8	9	6	4	12	11	6	22	19	12	154

* Data used in preparing this MIR (Mogadishu Incident Review) has been sourced from information provided by AMISOM, UNDSS, International NGOs, including information accessed from open source during the period April 2011 to April 2012.

** AOG (RECCE) is defined as any incident involving an unidentified individual or suspected insurgent who is shot and/or arrested while approaching and/or attempting to gain unauthorized entry into an AMISOM area of control



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[11] For IED incidents in Mogadishu, see detailed IED analysis section.

IEDs

18. During the period January 2011 – June 2012, there were 208 recorded and verified incidents concerning improvised explosive devices (IEDs) in Somalia, most of which are believed to have been deployed by Al-Shabaab.[12] However, the Monitoring Group believes the total number of IED attacks to be higher than available estimates.[13]

19. IEDs have been a hallmark of Al-Shabaab tactics, techniques and procedures since 2006, and their methods have since grown steadily more sophisticated.[14] In 2011, however, Al-Shabaab IED capabilities took an important step forward. On 9 June 2011, for the first time, AMISOM found a shaped charge IED in Mogadishu.[15] This specialised anti-armour IED is composed of a charge designed to focus the effect of its blast energy, and kinetically penetrate armoured protection. Throughout the summer 2011, AMISOM continued to recover shaped charge IEDs in growing numbers.[16]

20. On 17 September 2011, an AMISOM armoured personnel carrier was attacked by one of these new IEDs. There were no serious injuries reported.[17] A second attack, which took place on 23 October 2011, provided an opportunity for more extensive post-blast analysis of Al-Shabaab's shaped charge IED capabilities (see Annex 2.2.a.)

21. On 12 October 2011, in Mogadishu, TFG and AMISOM made a major discovery, assessed by UNMAS as a "significant find of an [Al-Shabaab] IED manufacturing facility".[18] This "bomb factory" revealed some of the latest Al-Shabaab IED developments, such as shaped charges mounted on tripods. In addition, UNMAS noted: "The presence of improvised pressure plates indicates that [Al-Shabaab] intends to employ Victim Operated IEDs, against vehicles or dismounted troops".[19] This observation was validated in the final months of 2011 and into 2012.[20]

22. Other key technical features of Al-Shabaab's IED capabilities include the various trigger mechanisms employed, especially radio-controlled systems. Among those most commonly used, motorcycle alarms and electrical batteries - of the same Chinese make and model - have been consistently found in all regions of Somalia, suggesting a readily available supply.[21] Improvised

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[12] This is a reflection of incidents verified by UNMAS, initiated by a variety of sources, but not open source. Latest IED incident recorded is 28th May 2012 in Afgoye. UNMAS email communication, 4 June 2012.

[13] Other sources estimate a higher rate of IED incidents at 253 for the period April 2011 to April 2012 for Mogadishu only, using a combination of data records from AMISOM, NCP and UNDSS.

[14] See Pt. 27, pg. 18, UN Somalia and Eritrea Monitoring Group Report, 18 July 2011; and Pt. 173, pg. 50, UN Monitoring Group on Somalia, 10 March 2010.

[15] "Report: IED (Shaped Charge) Locations & Incidents (Mogadishu)", UNMAS, 4 December 2011.

[16] Ibid.

[17] The Casspir is a four-wheeled armoured personnel carrier (APC) originally designed and built in South Africa (1979), to protect passengers from landmines during long distance operations.

[18] "Confirmed Find of Bomb Making Equipment – 12 October 2011", UNMAS report, 13 October 2011.

[19] Ibid.

[20] On 9 April 2012, an AMISOM Casspir was severely damaged by a pressure plate operated IED. See "Up-date Report: IED 09 April – Pressure Plate UPDF", Bancroft Report, 10 April 2012.

[21] The BM 518 anti-theft motorcycle system is manufactured by the Zhejiang Bodyguard Electronic technology Co Ltd, China. "IED Threat Update – USE of BM 518 Motorcycle alarms", UNMAS report, 23 March 2012.

detonators and fabricated grenades have also been seized.[22] Of all the Radio Controlled IEDs (RCIEDs) recovered, none included safety switches or circuits. Al-Shabaab is also experimenting with various types of compounds in designing homemade explosives (HME), using different mixtures. Al-Shabaab recently tested a fusion type HME, incorporating known additives such as aluminium and nitro-glycerine, similar to HMEs identified in Afghanistan.[23] Another Al-Shabaab experiment documented by Bancroft is a magnetic charge initiated by a mobile phone, as a method of stealthily fixing an IED onto a target.[24]

23. To combat IEDs and attack the Al-Shabaab network, major efforts have been invested in building up the Counter-IED (CIED) capabilities of diverse Somali and international actors. Somali Explosive Ordnance Disposal (EOD)/CIED specialised units, from the Somaliland Police, the Puntland Police and the TFG Police, as well as from the Somali National Security Agency are being trained and equipped. In addition, AMISOM deploys EOD teams from both its Ugandan and Burundian contingents. Bancroft fields a CIED capability in support of AMISOM, while UNMAS oversees all matters concerning IEDs, contracts, technical assistance and manages expansion plans according to guidance provided by AMISOM and the TFG.

24. Security Council resolution 2010 (2011) gave UNMAS a specific mandate for Explosives Management and CIED in Somalia, enabling a coordinated defensive response. Casualty figures have been significantly reduced as a result of this enhanced, integrated CIED campaign.[25]

25. During the second half of 2011, improved cooperation between security forces and the Somali civilian population forced Al-Shabaab bombers to operate at longer range from their intended targets.[26] Since December 2011, Al-Shabaab has reverted to using mobile phones as trigger mechanisms, ensuring that they are 'sterile' with no personal or operational data stored on them.

26. Faced with ever more effective AMISOM and TFG forces, Al-Shabaab attacks have also continued to employ suicide bombers against 'soft' or unprotected targets. On 4 October 2011, a vehicle-borne IED (VBIED) attack against the TFG Ministry of Education in Mogadishu resulted in the largest number of casualties in one single blast in Somalia.[27] Over 100 civilians were killed and many more were injured. Nearly all were young students and their parents queuing to register for an education programme abroad.

27. The development of Al-Shabaab's IED TTPs points to the presence of foreign technical assistance in Somalia, in particular specialised bomb makers and instructors in ambush techniques. Given the crude methods of local manufacture, it is believed that they imported new technical and tactical "know how", but no significant IED components.

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[22] Improvised grenades were made using soda cans - perhaps for better concealment and a specific objective - containing homemade explosive and small metal bars. Interview UNMAS, 7 May 2012.

[23] Ibid.

[24] "IED Report of intervention on a magnetic charge controlled by mobile phone", Bancroft report, 18 January 2012.

[25] In 2009, there were over 50 AMISOM casualties caused by IEDs; in 2010 more than 15; in 2011 there were 36, and 9 since the beginning of 2012.

[26] On 28 February 2012, tipped by Somali civilians, TFG Police neutralized the largest Vehicle Borne IED found to date. Bancroft report, 28 February 2012. UNMAS correctly determined that the IED was manufactured in Somalia.

[27] Al-Shabaab stated one of their fighters had carried out the attack, AFP, 4 October 2011.

28. The Monitoring Group is also closely documenting the migration of IED TTPs as Al-Shabaab becomes increasingly active in northern Somalia and Kenya. The varying quality of Al-Shabaab IED capabilities in different areas of operation suggests that IED skills are limited to a relatively small pool of Somali experts and an even smaller number of foreign instructors.

Analysis and conclusions

29. Al-Shabaab's IED capabilities are limited not just in a technical sense, but in tactical respects as well. One key factor affecting Al-Shabaab's use of IEDs appears to be an over-reliance on foreign instructors / bomb makers, and a failure to maximize the transfer of their skills to Somali trainers and technicians in anticipation of the possible death or departure from Somalia. Local bomb making facilities and generally crude, and are unable to successfully replicate sophisticated foreign methods. And inadequate management and coordination of IED operations is producing uneven capabilities and results across Al-Shabaab's diverse areas of operations.

Annex 2.2.a.: Al-Shabaab improvised explosive devices (CONFIDENTIAL) *

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* The annex has not been reproduced in the present document because it is confidential.

Annex 2.3.: Al-Shabaab Northeast Somalia (ASNE)

1. In its July 2011 report, the Monitoring Group observed that the militia headed by Mohamed Sa'iid Atom's in eastern Sanaag region had "effectively merged with Al-Shabaab."[1] This process was formalized in February 2012, when Yaasiin Khalid Osman (a.k.a. Yaasiin 'Kilwe'), a close associate of Al-Shabaab Amiir Ahmed Abdi Godane and a member of the Warsengeli clan, like Atom, officially declared himself 'Amir' of the 'Mujaahidiin of the Golis Mountains'. Kilwe's deputy is reportedly Ali Ahmed Hassan Ga'amey, a former schoolteacher, sentenced to ten years in prison on 3 November 2009, on terrorism-related offenses by a Boosaaso court.

2. In April 2012, Kilwe, Ga'amey and their associates were joined by Sheikh Abdulqaadir Muumin, a leading Al-Shabaab ideologue, originally from Puntland (Majeerteen / Ali Saleebaan clan), who had returned to Somalia from the UK in September 2010. On 12 April 2012, Al-Shabaab affiliated media carried a speech given by Muumin following his arrival in eastern Sanaag, effectively declaring 'jihad' against Puntland, and denouncing the Faroole administration as an "apostate" authority.[2]

3. These developments appear to confirm the Monitoring Group's previous assessment that military pressure in southern Somalia was inducing Al-Shabaab to shift its efforts northwards, where the remote and mountainous Golis range, "with its access to the Gulf of Aden and proximity to Yemen, may increasingly appear to be an attractive alternative to areas of southern Somalia where Al-Shabaab has recently been placed on the defensive."[3] Indeed, Al-Shabaab activity in Puntland has been spreading beyond the Galgala highlands, where Atom established his base, into new areas, mainly to the south and east of Boosaaso.

4. However, Atom has reportedly resisted the appointment of Kilwe as the new 'Amir' of ASNE, and is allegedly considering leaving the movement, taking many of his long-time supporters and financiers with him. As in southern Somalia, where Hassan Dahir Aweys's faction threatens to break from Al-Shabaab proper, Atom's departure would potentially signal a rupture between mainstream Somali Salafi Islamists and the hard core Salafi-jihadists of Al-Shabaab, depriving the extremists of much of their current base of support.

Expansion into Bari Region: new areas of operations

5. Under Atom's leadership, ASNE had been a chiefly Warsengeli clan militia, and had largely confined its activities to the 'Almadow' highlands to the west of the Boosaaso-Garoowe road, as well as occasional targeted killings in Boosaaso.[4] Members of other clans tended to play subordinate roles and, until 2011, ASNE networks in non-Warsengeli areas had been largely dormant.

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[1] S/2011/433, p.16.

[2] http://www.amiirnuur.com/index.php?option=com_content&view=article&id=6425:hjgasjgsjs&catid=48:wararka.

[3] S/2011/433, p.23.

[4] Specifically, from the Dubeys sub-clan of the Warsengeli: Daarood / Harti / Warsengeli / Dubeys.

6. However, since late 2010, when Atom's forces were attacked and dispersed by Puntland security forces, ASNE activities in eastern Sanaag have subsided and the group has begun to concentrate increasingly on parts of Bari region instead – two areas in particular. The more strategic of the two is a zone to the south of Boosaaso inhabited predominantly by members of the Deshiishe clan, including the settlements of Yalxo, Karin and Laag. Laag lies on the main road, approximately 30 km to the south of Boosaaso, and has been a frequent target of ASNE attacks.

7. Information obtained by the Monitoring Group indicates that a new second zone of ASNE activity is centred on Dhadaar, a settlement approximately 70km to the southeast of Boosaaso. Although more remote than Yalxo, the Dhadaar area reportedly hosts a growing number of Al-Shabaab fighters from southern Somalia. Like both Galgala and Yalxo, ASNE activities in the Dhadaar area are closely associated with a specific clan: the Majeerteen / Ali Saleebaan. The appearance of Abdulqaadir Muumin, the most prominent Al-Saleebaan figure in Al-Shabaab, among the leaders of ASNE is likely to reinforce this trend and help to strengthen ties between the various militias operating under ASNE's umbrella.

8. Al-Shabaab affiliates have also been active in Mudug region, but it is unclear how closely these networks are affiliated, if at all, with ASNE.

Ambushes and IEDs

9. Al-Shabaab forces in the Yalxo area reportedly number less than 100, but are relatively well organized and led. The commander of the force is reportedly a member of the local Deshiishe clan, whose identity the Monitoring Group is currently attempting to verify. The Yalxo militia is chiefly responsible for operations along the tarmac road to the south of Boosaaso, harassing government transports and attacking checkpoints established by the Puntland security forces. Among the operations reportedly conducted by this group during the course of the current mandate are the following (this is only a partial list of incidents):

- August 2011: An unmarked vehicle hired by a UN agency was targeted by an RCIED at Yalxo village, Bari Region, on 16 August 2011. Initial information suggested that the targeting was accidental and not intentional. A UN staff member travelling in the vehicle and a driver were injured.[5]

- December 2011: On 25 December, an RCIED targeted the vehicle of an explosive expert from the Puntland security forces. The attack took place in Qorofo, between Yalxo and Karin around 90km south of Bosaaso on the main road to Garoowe. One Puntland officer named Gaash Nuur Shire Cali Xagar (Majeerteen/Osman Mohamud) was reported killed and three other soldiers injured. The vehicle had no police logos. The IED was reportedly remotely detonated by a mobile phone.[6]

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[5] Confidential security report.

[6] Confidential security report.

- January 2012: Three attacks were reported at Laag during the course of the month. The last took place on 29 January at 2230, when two section-sized units of ASNE armed with small arms and PKMs attacked from different directions. Attacks also took place during the month of January at Karin and Kalabyr.[7]

- February 2012: On 4 February 2012, a section-sized group of ASNE attacked a vehicle carrying members of the Puntland Security Forces at approximately 7 km north of Laag on the main road. The group had reportedly already stopped three commercial trucks travelling south when the Puntland security personnel unintentionally arrived at the scene. Two of the security officers were shot and injured.

  On 5 February, 3 alleged ASNE members were captured reported captured at Maraje village, 27 km west of Yalxo. One of the detainees was a brother to Mohamed Sa'iid Atom, whose affiliation with ASNE is in question.

  On the evening of 10 February, a group of approximately 17 ASNE fighters visited Yalxo village, approaching from the West. The group reportedly told residents to practice their religion, conduct their prayers and avoid un-Islamic practices.

- March 2012: ASNE fighters reportedly ambushed Puntland forces between Sugure and Balli Khadar (35 km south of Bosaaso), employing an RCIED. Five Puntland soldiers and three ASNE insurgents were reportedly killed and 12 others were wounded. The incident was coordinated with an attack on Marraje.[8]

  On 12 March, a convoy carrying Puntland security forces was reportedly attacked on the tarmac road near Marraje village and the lead technical destroyed by an RPG.

  On 16 March, Laag was attacked again by a platoon-sized force equipped with AK-47s, PKMs and at least 2 RPG-7s.

- April 2012: Two RCIED attacks against Puntland security forces were reported in the vicinity of Sugure village, 33 km south of Bosaaso, during the last week of April.[9]

Financiers, Facilitators and Active Supporters

10. Under Atom's leadership, the 'Golis Mountains Mujaahidiin' benefited from the sympathy and support of prominent members of the Puntland business community, particularly among former members of Al-Itihaad Al-Islaami (AIAI). Since 2006, key figures within this group have assisted ASNE with respect to resources, recruitment, logistics and external relations. It is not yet clear

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[7] Confidential security report.

[8] Confidential security report.

[9] Confidential security report.

whether this support network will accept the transition from Atom's leadership to the new Al-Shabaab cadres headed by Yasiin Kilwe.

11. Atom's core support group comprised mainly members of the Warsengeli clan with commercial interests in Boosaaso. Multiple sources have identified Mohamed Aydiid Jaama', Deputy Chairman of the Boosaaso Chamber of Commerce, as a arms broker on behalf of Atom as well as the Ogaden National Liberation Front (ONLF).[10] Other prominent Warsengeli businessmen whom eyewitnesses have identified as participating in the procurement, transportation and receipt of weapons on behalf of Atom's forces include Mohamud Faarah Bile (a.k.a. 'Umbul'), and Abdi Khayre Mohamed, who has allegedly used his own dhow, the Al-Khayr, for the purposes of transporting weapons via small beach ports to the west of Boosaaso.[11] All of these individuals were previously associated with AIAI.

12. Two other prominent Boosaaso businessmen, not from the Warsengeli clan, have been identified by these same sources as being closely associated with Atom's core support network, although the Monitoring Group has not yet determined whether they have provided material assistance, directly or indirectly, to Mohamed Sa'iid Atom or ASNE. These include Abdiladiif Yuusuf Barre (Deshiishe), the owner of Juba Hotel in Boosaaso, and Isma'iil Hassan 'Kutuboweyne' (Ali Saleebaan). One of Kutuboweyne's sons is allegedly a militia leader with ASNE, but the Monitoring Group is seeking to verify this report.

Analysis and conclusions

13. At the time of writing, Atom had reportedly left eastern Sanaag in order to signal his protest at Kilwe's appointment and to explore the prospect of an alliance with the Aweys faction of Al-Shabaab. Were Atom to retain the support of his core support network, ASNE-Kilwe would find itself largely deprived of local support and unwelcome in mainstream Salafi circles, significantly curbing its freedom of action and access to local resources. Possibly in anticipation of this eventuality, Kilwe travelled to Hargeysa for approximately 10 days in March 2012, soliciting support from a variety of potential sympathisers.[12]

14. On the other hand, some prominent members of the Puntland business community may continue to fund clan-based militias as an instrument of political leverage, providing opportunities for Al-Shabaab to infiltrate and co-opt their leadership – as the group did with Mohamed Sa'iid Atom. The Monitoring Group therefore believes that the Committee should consider imposing targeted measures against Atom's local supporters and financiers, with a view to discouraging the transfer of their allegiance to ASNE-Kilwe.

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[10] Interview with a Bosaaso businessman, 13 November 2011, 11 December 2012; separate interviews with two senior ONLF leaders who have personally participated in arms deals with Aydiid, 15 December 2011 and 19 December 2012.

[11] Interviews with local elders and business figures with direct knowledge of arms deliveries, 11 December 2011; 23 February 2012. The Monitoring Group has also obtained video evidence corroborating these allegations.

[12] Interviews with Somali security source, March 2012; with Hargeysa professional and intellectual, April 2012; confirmed by an official Western governmental source.

Annex 3

Al-Shabaab as a regional and international threat

Annex 3.1.: Muslim Youth Centre (Al Hijra) (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is confidential.

Annex 3.2.: Ansaar Muslim Youth Centre (AMYC), Tanzania

Overview

1. The Ansaar Muslim Youth Centre (AMYC), based in Tanga, Tanzania and headed by Sheikh Salim Abdulrahim Barahiyan, engages in radicalization, recruitment and fund raising on behalf of Al-Shabaab. AMYC has also sent at least one trainer to Somalia in support of Al-Shabaab, and has facilitated the entry of Al-Shabaab members into Tanzania. To accomplish some of these tasks, the AMYC has entered into partnership with Tanga-based criminal networks engaged in smuggling and drug trafficking.

2. Like the Muslim Youth Centre (MYC) in Kenya, the AMYC is associated with Aboud Rogo Mohamed, an extremist cleric based in Mombasa, Kenya, who is an outspoken supporter of Al-Shabaab and who advocates the violent overthrow of the Kenyan state. Rogo, a known associate of Fazul Abdullah Mohammed, (a prominent Al Qaeda and Al-Shabaab leader who was killed in Mogadishu 2011), has been arrested several times in Kenya on terrorism-related charges, but has been acquitted each time. Most recently in 2012, Rogo was arrested and charged with possession of firearms and explosives, and is currently on police bail.[1]

AMYC Links to Al-Shabaab

3. Initially established in the 1970s as the Tanzanian Muslim Youth Union (UVIKITA), the AMYC was formally registered under its new name in 1988.[2] According to its constitution, the AMYC's principal objective is to promote moral reform through the propagation of Salafi Islam. As part of achieving its key values, AMYC also states it aims to equip its young members with a commitment to human rights. To this end, the AMYC supports or manages a number of educational establishments including madrassas, orphanages, secondary schools and technical colleges in and around the town of Tanga. It also leads and supports a nationwide network of mosques over which it exercises considerable influence.

4. Principal members and officials of the AMYC include:

- Director: Sheikh Salim Abdulrahim Barahiyan
- Deputy Director: Salim Awadh Bafadhil
- Secretary: Mohamad Mahusufi
- Treasurer: Abdulbasit Sera
- Chairman for Dawah: Mohamadi Bunu
- Secretary Dawah: Mbwana Faki
- Accountant: "Kada"
- 'Unofficial Sponsor': Abdul Hakim Omar "Chillu"

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[1] http://www.youtube.com/watch?v=47zYHmnb3Wk.

[2] https://openaccess.leidenuniv.nl/bitstream/handle/1887/12442/Dissertation%20Van%20de%20Bruinhorst.pdf?sequence=1.

- 'Unofficial Sponsor': Fuad Abdulrahim Barahyan
- 'Unofficial Sponsor': "Edha"
- 'Unofficial Sponsor': "Mbaraka"

5. In contrast with its benign vision and mission, the AMYC and its affiliated institutions have become increasingly identified with Islamist radicalism and extremism, culminating in the organization's current affiliation with Al-Shabaab.

6. AMYC's strength as a source of radicalization and recruitment[3] has in part been due to its extensive support network of mosques throughout Tanzania, which are entitled to receive funding from the AMYC main office in Tanga. AMYC's financial support to these networks allows the organization to exert considerable influence over the day-to-day running of these mosques and their madrassas, their orientation towards extremism and the recruitment of their members for jihadist causes, notably Al-Shabaab.

Al-Haramayn linkages with AMYC

7. AMYC's drift toward radicalism began at least a decade ago, and appears to have been influenced by members and/or sympathisers of Al-Qaeda's network in East Africa (AQEA), including members of the Saudi-sponsored charity, the Al-Haramayn Foundation.

8. From 1997 until 2003, the head of the Al-Haramayn office in Tanga was an Islamic cleric popularly known as 'Abu Huzhaifa'. Originally from Algeria, 'Abu Huzhaifa'[4] had been living in Tanzania under the assumed Tunisian identity of "Ramzi ben Mizauni ben Fraj". According to a former close associate of 'Abu Huzhaifa' who had worked with him closely for over 3years and corroborated by a current member of AMYC[5], 'Abu Huzhaifa' was also involved in recruiting AMYC members for 'jihad' in Somalia.[6] On 10 May 2003, the Tanzanian authorities arrested 'Abu Huzhaifa' and deported him from Tanzania three days later. He was subsequently detained by the U.S. government on unspecified terrorism-related charges in Afghanistan.[7]

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[3] The Monitoring Group understands from an interview with a former Al-Haramayn Foundation official and current official of AMYC on 14 January 2012 that AMYC until recently had operated programs for "revertees" to Islam. According to the official, the Tanzanian authorities have pressured Mosques from operating such programs.

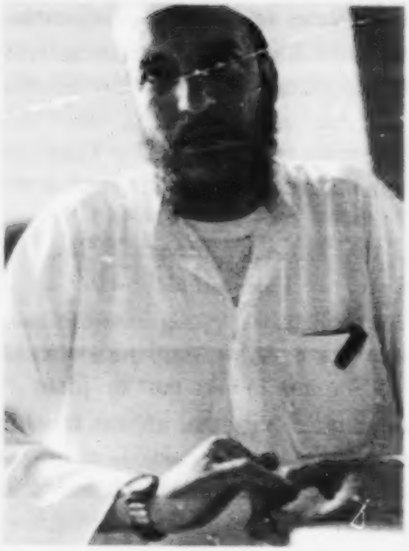
[4] According to an interview given to New York Times in 2006 by 'Abu Huzhaifa', his real name is Laid Saidi (see also http://www.nytimes.com/2006/07/07/world/africa/07algeria.html?pagewanted=all).

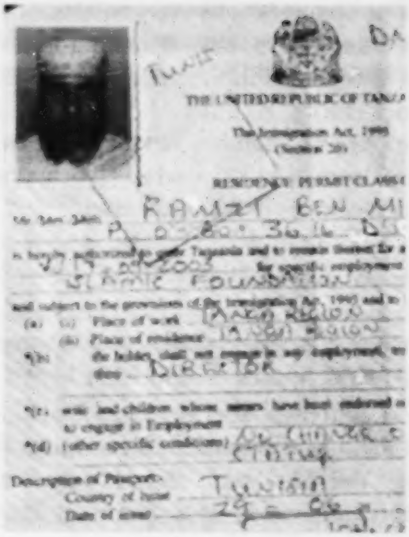
[5] Interview with current AMYC member, Tanga, 16 January 2012.

[6] Interview with former employee of 'Abu Huzhaifa', Korogwe, 22 March 2012.

[7] According to media reports, 'Abu Huzhaifa' was never charged with any terrorism-related offences and was subsequently released in August 2004.

Images of 'Abu Huzhaifa'





Place of work

Place of residence

Description of Passport:

Country of issue

Date of issue

9. Almost a year later, on 26 January 2004, the Al-Haramayn Foundation in Tanzania was designated by the United Nations as an affiliate of Al-Qaeda. The UN narrative[8] summary for listing the Al-Haramayn Foundation in Tanzania alleged that the organization had been involved in advance preparation[9] of the 7 August 1998 U.S. embassy bombing in Dar es Salaam.[10] Media reports have also linked some AMYC members to Al-Qaeda through the gemstone industry.[11] One such individual was Sheikh Omar Suleiman (see below) of the Taqwa Mosque in Mererani who was a former employee of the Al-Haramayn Foundation from 1999 to 2001.[12]

10. Multiple sources interviewed by the Monitoring Group, including former employees of Al-Haramayn, confirmed the close links between AMYC and Al-Haramayn Foundation in Tanga during 'Abu Huzhaifa's' presence there.[13] A former assistant to 'Abu Huzhaifa' told the SEMG that AMYC had been a principal financial beneficiary of Al-Haramayn during the same period.[14] AMYC was also a beneficiary of the Al-Muntada Al-Islami Trust (Nairobi), another organization accused by the security services of links to terrorism.[15]

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[8] http://www.un.org/sc/committees/1267/NSQE10604E.shtml.

[9] http://www.cbsnews.com/stories/2004/06/07/terror/main621621.shtml.

[10] http://www2.gwu.edu/~elliott/assets/docs/research/Shinn.pdf.

[11] http://online.wsj.com/article/SB1005860635600904840-search.html.

[12] http://www.policy.hu/document/200808/sebastian.sanga.pdf&letoltes=1.

[13] Interviews in Tanga, Korogwe and Dar es Salaam, in March 2012.

[14] Interview with Ustadh Juma Hekka, former assistant to 'Abu Huzhaifa', Tanga, 14 January 2012.

[15] http://business.highbeam.com/3548/article-1G1-114018347/why-ngo-boss-thrown-out.

11. Following 'Abu Huzhaifa's' deportation, and the subsequent listing of Al-Haramayn by the UN, a number of former Al-Haramayn members and sympathizers became active members and officials of AMYC.[16] The Monitoring Group is aware of at least seven former members of Al-Haramayn, and two of their close associates, now operating under the umbrella of AMYC, who have actively promoted support for Al-Shabaab in Somalia: Omar Suleiman; Nur Abubakar Maulana 'Abu Maulana'; Kassim Mafuta: Juma Hekka; Khamis Abubakar Khamis; "S"; and Ali Said (deceased). According to a close associated of AMYC member Juma Hekka, two active financiers of the AMYC -- Fuad Barahiyan and Abdulhakim Omar "Chillu" – who advocate radicalization and recruitment for 'jihad' in Somalia, also used to have close ties to Al-Haramayn.[17]

Forging ties with Al-Shabaab

12. As early as December 2005, Nur Abubakar Maulana (a.k.a. 'Abu Maulana') – as well as other prominent AMYC figures -- reportedly began traveling to Somalia to take part in 'jihad'.[18] According to one of his relatives, 'Abu Maulana' would tell his immediate family that he was travelling to Saudi Arabia, but instructed them to inform others that he had travelled to "Unguja" (Zanzibar) instead. By early 2011, 'Abu Maulana's' absence in Somalia had become so regular and protracted that they contributed to the breakup of his marriage.[19]

13. When in Tanzania, 'Abu Maulana' operates from the Masjid Shabaab in Dar es Salaam, from where he engages in recruitment on behalf of Al-Shabaab. One former AMYC member has told the Monitoring Group he was recruited from the town of Korogwe by 'Abu Maulana' and Tanga-based AMYC sponsor Abdulhakim Omar "Chillu.[20] Another AMYC recruit has described to the Monitoring Group how, on 28 April 2012, he travelled from Tanga to Dar es Salaam seeking the sponsorship of 'Abu Maulana' to undertake hijra to Somalia in support of Al-Shabaab, and the subsequent role in his recruitment of two other prominent AMYC 'sponsors': Fuad Barahiyan and Abdulhakim Omar "Chillu".[21]

14. Fuad Barahiyan is a local Tanga local 'businessman' and brother to AMYC *Mudir* Salim Barahiyan; "Chillu" is reportedly a dual UK passport holder and a local 'businessman'. Together, the two men provided the families of several AMYC recruits with cash provided they would travel to Somalia to join Al-Shabaab. Sums paid to these families for up keeping have in the past been up to US$120 per month the Monitoring has been informed.[22] On 22 February 2012, the Monitoring Group

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[16] Multiple interviews with former AMYC members in Tanga, November 2011 to March 2012.

[17] Interview with Juma Hekka on 14 January 2012 and information provided by "S" to the Monitoring Group in April 2012.

[18] Telephone interviews with current AMYC member close to Juma Hekka (AMYC Ustaad), April 2012.

[19] Monitoring Group interview in Tanga with estranged family member of 'Abu Maulana' on 24 March 2012 and written testimony provided to the Monitoring Group in April 2012.

[20] Monitoring Group interview with close associate of "Abu Hanifa", a former AMYC recruit based in Korogwe, 18 March 2012.

[21] AMYC member trip to Tegeta in Dar es Salaam to meet with 'Abu Maulana' from 28 April to 2 May 2012.

[22] According to the AMYC member, "S" has confirmed that both Fuad Barahiyan and "Chillu" had provided financial up keeping to AMYC recruits.

received testimony from a close associate of "Chillu" and a former MYC (Muslim Youth Centre, Nairobi) member based in Tanga that suggested that "Chillu" might have taken over the 'financing' role of Al-Haramayn's 'Abu Huzhaifa'. While the Monitoring Group is still investigating these claims to substantiate the extent of "Chillu's" 'financing' of AMYC and its recruits, corroborating testimony provided to the Monitoring Group on 23 March 2012 by a close family of "Chillu" strongly reinforces his extremist credentials.[23]

Recruiting on behalf of Al-Shabaab

15. One such AMYC recruit, "Rashid" left Tanzania in March 2007, on the pretext of travelling to Saudi Arabia to pursue Islamic Studies.[24] Instead, he travelled to Somalia, together with three other recruits, to join the insurgency. According to "Rashid", they travelled through Mombasa to Nairobi and then to Mandera.[25]

16. "Rashid" told the Monitoring Group that during his first six months in Somalia, he was based in Karaan district of Mogadishu, where he underwent basic training involving small arms and explosives. Like other AMYC recruits, "Rashid" confirmed to the Monitoring Group that while in Mogadishu, some of his fellow trainees were from Tanzania, including some from Tanga.

17. Another AMYC recruit, "Abdul", told the Monitoring Group that he left school in Tanga in January 2011 and, together with a group of ten other boys, claims to have been taken to a harbour in Pongwe[26] on the outskirts of Tanga town. From Pongwe, the group sailed up the coast to a port on the Somali coast. "Abdul's" description of the port suggests that it was probably Kismaayo -- a common destination for Tanzanians travelling to Somalia by sea.[27] On arrival in Somalia, "Abdul" further described how he and the other boys were delivered into the care of an unnamed 'Somali Sheikh' who subsequently took them to a training camp. According to "Abdul", the camp hosted a number of other Swahili-speakers from Kenya and Tanzania, as well as some Ugandans.

18. Upon completion of his training, he claims to have spent until November 2011 fighting alongside Al-Shabaab, mainly against Ahlu Sunna wal Jama'a (ASWJ), in the Juba Valley. His account is generally consistent with reports and testimonies of other Swahili-speaking Al-Shabaab fighters previously interviewed by the Monitoring Group.[28] "Abdul" says he returned to Tanga in November 2011.

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[23] Monitoring Group discussion with a female family member of "Chillu", Tanga, 23 March 2012.

[24] During the Monitoring Group's investigation, a number of interviewees had noted they were encouraged to travel to Somalia under the pretext of proceeding on to Saudi Arabia to study.

[25] Mandera town is 1,135kms, North East of Nairobi city.

[26] The Monitoring Group understands that Pongwe has a number of natural harbours that are frequently used both by smugglers and Al-Shabaab recruits wishing to travel via sea to Somalia.

[27] The Monitoring Group understands from various testimonies that Tanzanians travelling via sea to Somalia have more than often travel to Kismayo.

[28] Interview with former AMYC member "Rashid", Tanga, 17 February 2012.

Masjid Mohamed and Khamis Abubakar Khamis

19. Another recruiter and close associate of 'Abu Maulana', Omar Suleiman and Juma Hekka linked to the AMYC is *Mudir* Khamis Abubakar, Khamis, a Salafist Imam at the Masjid Mohamed in the town of Korogwe who, like AMYC leader Sheikh Salim Barahiyan, studied in Pakistan. Masjid Mohammed, which was also a beneficiary of Al-Haramayn funding until 2003, has long been a subject of controversy, accused by local religious leaders of propagating radical Islam and extremism.

20. Former members of the AMYC branch at Masjid Mohamed, as well as local religious leaders, have told the Monitoring Group that Masjid Mohamed, and Khamis in particular, have routinely encouraged its young members to accept violent 'jihad' as an integral part of Salafism.[29] In practice, embracing 'jihad' has meant that members of Masjid Mohamed and its affiliated school learn about 'jihad' by watching extremist videos, and undergo physical training exercises, mainly in the martial arts. Successful graduates of this programme are considered eligible to travel to Somali to join Al-Shabaab.

21. In early 2010, Masjid Mohamed sponsored a "karate competition", which also served as a recruiting drive on behalf of Al-Shabaab.[30] Two participants in the competition, "M" and "O", told the SEMG that they were then selected for further 'studies', together with ten other young men.[31] Although "M" and "O" were aware that they would in fact be travelling to Somalia, the ten other recruits were led to believe that they had been awarded Islamic Studies scholarships to study abroad.[32]

22. According to "M" and "O", the groups were initially accommodated at an African Muslim Agency (AMA)[33] sponsored madrassa commonly known as "Masjid Ndogo" in Korogwe.[34] In March 2010, both "M" and "O" left Korogwe for the nearby town of Pongwe, on the outskirts of Tanga where they were received by Sheikh Kassim Mafuta,[35] a key member of AMYC and former understudy of 'Abu Huzhaifa' the former director of Al-Haramayn Foundation in Tanga. According to "M", who is a relative of Sheikh Kassim Mafuta, the twelve youths were then introduced to Somali named "Malolo" who was to arrange for their travel to Somalia.

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[29] http://www.zmo.de/Mitarbeiter/Chanfi/Networks%20of%20Islamic%20NGOs_d%C3%A9j%C3%A0%20publi%C3%A9%20in%20JEAS-1.pdf.

[30] During a field trip to Korogwe, the Monitoring Group was able to interview two former Al-Shabaab recruits who participated in the above "competition" at Masjid Mohamed.

[31] According to recruit "M" the other members of the group in addition to "Malolo" and recruit "O" were :Masantura"; "Salim Kijoba" and "Makanyana".

[32] Interview with recruit "M" and "O", Korogwe, 20 March 2012.

[33] The charity has previously been linked to terrorist organisations (see http://www.nytimes.com/2007/12/23/magazine/23kenya-t.html?_r=1&pagewanted=4&n=Top/Reference/Times%20Topics/People/M/Moi,%20Daniel%20Arap&oref=slogin).

[34] On 13 April 2005, the African Muslim Agency (AMA) was designated a "Tier 1 NGO" by the U.S. as 'having demonstrated sustained and active support for terrorist organizations willing to attack U.S. persons or interests' by the United States.

[35] The Monitoring Group is currently investigating reports that Sheikh Kassim Mafuta has since left AMYC.

23. According to "M" and "O", the group departed Pongwe for Mombasa, where they boarded a boat to Somalia where they remained for the next ten months. They received training in light weapons and martial arts, and later took part in combat operations. Their description of their duration in Somalia is generally consistent with other East African recruits who have gone to the Somalia to fight alongside Al-Shabaab.[36]

24. In April 2010, "Yusuf" an Islamic traditional healer and a martial arts instructor from Masjid Mohamed travelled to Somalia to provide physical training and medical care to new Al-Shabaab recruits. In an interview with the Monitoring Group, "Yusuf" described how he was initially recruited by a Somali named "Abdinuur" who then travelled with Yusuf by boat from Korogwe to Kismayo, via Mombasa and Malindi en route to Kismayo via boat. According to "Yusuf", he received an advance payment of TSh 3 million, and was told he would be paid while in Somalia.

25. After spending two days in Kismaayo, "Yusuf" claims that and Abdinuur then travelled on to Buulo Haawo in Gedo region, where he worked alongside Al-Shabaab, treating injured fighters and later instructing Al-Shabaab combatants in martial arts. In October 2010, despite the protests from his Al-Shabaab recruiter "Abdinuur", "Yusuf" returned to Tanzania to rejoin Masjid Mohamed in Korogwe.

26. "Yusuf" claims that he reluctantly returned to Buulo Hawo in January 2011, by the same route, where he spent another four months providing medical treatment and martial arts training to Al-Shabaab fighters before again returning to Korogwe.[37]

Linkages with the MYC and Aboud Rogo (Kenya)

27. AMYC's support for Al-Shabaab involves close cooperation with like-minded groups in East Africa, notably the Muslim Youth Centre (MYC) in Kenya. The AMYC leadership has close ties to MYC ideologue, Aboud Rogo Mohamed, and young AMYC members are routinely sent to study in Majengo (Mombasa), Kikambala and Ukunda (all in Kenya) where they are exposed to radical teachings at institutions like the madrassas at Masjid Musa, Masjid Sakina and Kanamai – all of which have been linked to the MYC and Aboud Rogo. Rogo himself currently runs Kanamai madrassa and is believed to be a regular preacher at Masjids Musa where a number of Nairobi-based MYC members have been hosted and Sakina.[38] With Rogo's support, most AMYC members sent to Kenya for studies have reportedly enrolled at the Masjid Sakina in Majengo, Mombasa.[39]

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[36] During the interview both recruits were also able to recognize to a number of Kenyan recruits shown to them.
[37] Interviews with "Yusuf" former martial arts instructor, Korogwe, March 2012.
[38] In January and February 2012, a number Nairobi-based MYC members were hosted at Masjid Musa.
[39] Email received from AMYC member, 17 January 2012.

28. According to a current AMYC member interviewed by the Monitoring Group, 'Abu Maulana' and Omar Suleiman both have links to Aboud Rogo dating from the time of their employment with Al-Haramayn.[40] In late 2006, 'Abu Maulana' and Omar Suleiman, together with three other AMYC members (Ali Said (deceased), Suleiman Khalfan and "S") travelled to Somalia, via Mombasa, with the assistance of Aboud Rogo.[41] A family member of 'Abu Maulana' confirmed that these five individuals passed through Mombasa en route to Somalia, and returned to Tanzania in 2007.[42]

29. In May 2007, during a detainee assessment by the U.S. Joint Task Force Guantanamo (JTF-GTMO), "Abdul Malik Bajabu", a detainee who admitted to being a member of Al Qaida in East Africa (AQEA) and a co-conspirator in the 28 November 2002 terrorist attacks in Mombasa, described how he and other youths were recruited from Masjid Sakina to join the 'jihad' in Somalia.[43] "Bajabu" described Rogo as a preacher on 'jihad' at Masjid Sakina (an allegation independently verified by the Monitoring Group), which provided financial assistance to families of terror suspects in custody by covering their legal expenses

30. In addition to Aboud Rogo, AMYC also has links with other MYC leaders, as well as rank and file MYC members. For example, Abubakar Shariff, a senior MYC figure, is in direction communication with AMYC director Sheikh Salim Barahiyan. In an audio recording obtained by the Monitoring Group of a December 2011 conversation between Rogo and Shariff, the latter describes to Rogo details of his meeting with Barahiyan in Tanga.[44]

31. In January 2011, the Monitoring Group learned from a former MYC member that an MYC fighter known as "Ishaaq" had recently returned from Somalia and gone into hiding among AMYC members in Tanga.[45]

32. The MYC also appears to be assisting AMYC members, and possibly other Tanzanians, to travel to Somalia to join Al-Shabaab. A 21 March 2012 telephone call between a Somalia-based MYC member and one of its (MYC) members in Kenya noted that:

> The president of Tanzania claiming he is a Muslim he has strategically decided not to care about the influx of Somalis in his country and in fact because of his lax situation many fighters from Tanzania are arriving by sea.[46]

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[40] Monitoring Group Interview with a serving AMYC member, Tanga, 6 and 7 May 2012.

[41] Monitoring Group interview with a serving AMYC member, Tanga, 6 and 7 May 2012.

[42] Written testimony provided to the Monitoring Group by estranged family member of 'Abu Maulana', April 2012.

[43] http://wikileaks.org/gitmo/pdf/ke/us9ke-010025dp.pdf.

[44] Confidential audio recording (111205_002) of private meeting of Aboud Rogo dated 7 December 2011.

[45] Email from confidential AMYC source, 2 January 2012 . The Monitoring Group is aware of reports that a number of Al-Shabaab operatives have used Tanga as a safe haven. A key example was Mohamed Ali Mohamed a suspect in the 11 July Kampala bombings (see http://www.youtube.com/watch?v=_naHpYmfXOs).

[46] Telephone communication from Somali-based MYC member to member in Kenya dated 21 March 2012.

33. On 26 March 2012, a Twitter feed aligned with Al-Shabaab and known by the Monitoring Group to be in regular direct messaging with MYC based in Kenya reported that a large number of Tanzanians had recently arrived in Kismayo to join Al-Shabaab forces there.[47] Four days later, on 30 March 2012, an MYC member based in Mogadishu confirmed over the phone to an MYC associate in Nairobi that Yusuf Madi (a.k.a. "Yusuf Bakar") an MYC member in Lamu[48] had been ferrying Tanzanians to Kismayo and Barawe.[49] As a fisherman with his own boat, Yusuf Madi is well-placed to engage in smuggling of people and goods – a tactic routinely employed by other 'facilitators', such as the Tanga-based Muene family network (see below), engaged in transporting AMYC members between Tanzania and Somalia.

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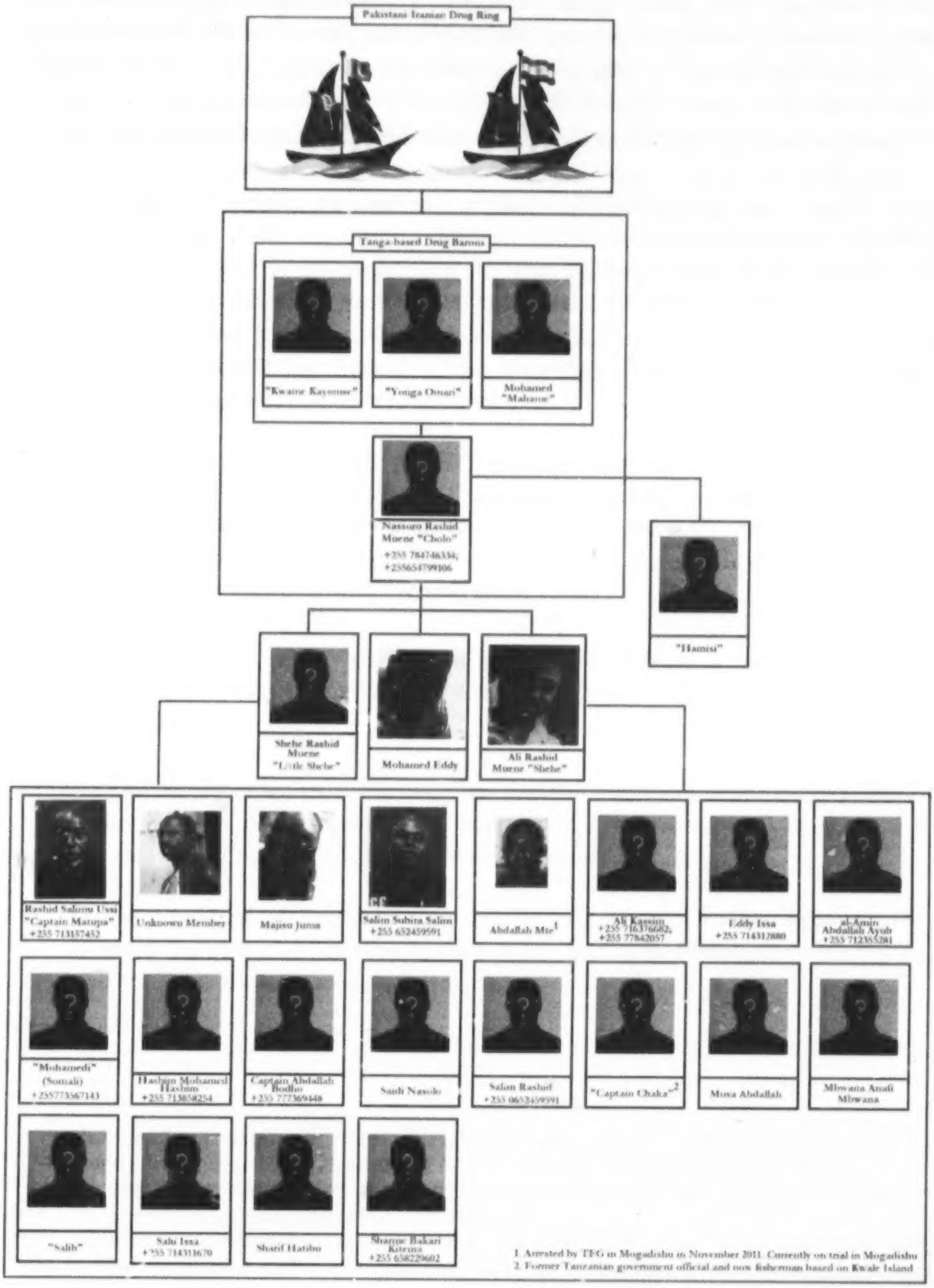
[47] https://twitter.com/#!/saud_khalifaa/status/184163118161723392.

[48] "Yusuf Bakar" is an MYC member based in Lamu who acts as a money courier and trafficker under cover of his fishing business.

[49] Telephone communication from Somali-based MYC member to a (MYC) member in Kenya dated 30 March 2012.

The Muene family criminal network[50]


Pakistani Iranian Drug Ring
Tanga-based Drug Barons
"Kwame Kayomse"
"Yonga Omari"
Mohamed "Mahame"
Nassoro Rashid Muene "Cholo" +255 784746334, +255654799106
"Hamisi"
Shehe Rashid Muene "Little Shehe"
Mohamed Eddy
Ali Rashid Muene "Shehe"
Rashid Salimu Ussi "Captain Matupa" +255 713157452
Unknown Member
Majisu Juma
Salim Subira Salim +255 652459591
Abdallah Mte1
Ali Kassim +255 716376682; +255 77842057
Eddy Issa +255 714312880
al-Amin Abdallah Ayub +255 712355281
"Mohamedi" (Somali) +255773567143
Hashim Mohamed Hashim +255 713858254
Captain Abdallah Bodho +255 777369448
Saidi Nasolo
Salim Rashid +255 0652459591
"Captain Chaka"2
Musa Abdallah
Mbwana Anafi Mbwana
"Salih"
Salu Issa +255 714311670
Sharif Hatibu
Shame Bakari Kitema +255 658229602

1. Arrested by TFG in Mogadishu in November 2011. Currently on trial in Mogadishu
2. Former Tanzanian government official and now fisherman based on Kwale Island

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[50] Variants of Muene include Mwene and Mhene.

34. Tanzania's long, largely un-policed coastline offers attractive transit hubs for drug traffickers, and the northern coastal town of Tanga has emerged as a narco-hub of choice for drug-traffickers from East Africa, Iran and Pakistan.[51] Even more disturbing, the Monitoring Group has discovered a surprising, but mutually beneficial partnership between Tanga's drug-trafficking fraternity and AMYC jihadists.

35. The Muene family, originally from the island of Pemba in Tanzania, oversees one of Tanga's most prolific criminal enterprises.[52] Since 2007 and probably before, in association with the AMYC, the Muene network has become increasingly involved in smuggling activities in support of Al-Shabaab and its East African affiliates.[53]

36. The Muene network is headed by "Nassoro Rashid Muene" popularly known as "Cholo".[54] Multiple sources, including local law enforcement officials, have provided detailed accounts to the Monitoring Group that strongly suggests "Cholo" is heavily engaged in the illicit drug trade, illegally importing *khat* from Kenya into Tanzania, and trafficking 'hard' drugs (chiefly heroin) through the Tanga coast to Mozambique[55] and South Africa.[56]

37. According to a credible source who has been personally associated with "Cholo" for over twenty years and corroborated by a key Tanga-based businessman also a former business associate of "Cholo",[57] "Cholo" is reportedly an associate of a Pakistani-Iranian drug ring that has been operating in Tanga for some years and involves three other local criminal networks.[58] One of "Cholo's" former closest business associate has also told the described to the Monitoring Group his interaction with alleged Iranian drug traffickers in Tanga.[59]

38. At the time of writing this report, "Cholo" Muene and a number of his network were in hiding from the Tanga authorities, wanted for a variety of criminal offences, and had delegated leadership of

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[51] Interview with various drug dealers, Tanga, November 2011 – March 2012.

[52] The Monitoring Group understands there are a number of criminal networks in Tanga, however, the Muene network activities cover a range of criminal activities.

[53] Interview with "C" a local drug dealer, Tanga, 4 December 2011.

[54] The Monitoring Group is aware that "Cholo" has used of several mobile phones but frequently uses +255 784 746 334 and +255 654 799 106.

[55] In 2009, Ali Kassim (Mobile number: +255 716376682; +255 77842057) a senior boat captain working for "Cholo" was arrested in Mozambique on trafficking related charges. Information from a source (Fisherman) claims Ali Kassim was transporting drugs to Mozambique on behalf of the network.

[56] Confidential audio recording of "Captain Matupa", Tanga, 25 March 2012.

[57] Monitoring Group interview with a close associate ("MP") of "Cholo", Mombasa, 24-25 May 2012.

[58] Headed by "Kwame Kayombe", Yonga Omari, and a Somali named "Mohamed" 'Mahame'. Monitoring Group interviews with "A" and "MP" from Tanga in Mombasa on 23 and 24 May 2012 respectively.

[59] During a phone interview with a key Tanga businessman and a former associate of "Cholo" on 23 May 2012, the Monitoring Group was given an account of how a group of Iranians approached him on 6 March 2010 to hire his boat for three days. According to the businessman, he was given a deposit of US$20,000, however, the Iranians did not eventually use his boat and never returned to pick up their deposit. The businessman claims the Iranians were drug traffickers.

his network to his younger brother, Shehe Rashid Muene.[60] However, during a Monitoring Group field trip to Tanga from 13 to 26 March 2012, the SEMG was able to trace a number of the network members hiding in various towns in Tanzania (mainly the islands of Pemba and Zanzibar) through the assistance of a fisherman familiar with the network's activities.[61]

Co-optation of local fishermen

39. Although fishing is a lucrative trade in Tanga, the under-the-table, cash-in-hand payments offered by "Cholo" Muene to fishermen, have proven irresistible to many. Fishing vessels are employed by the network for a variety of purposes, including the transportation of AMYC recruits to Somalia, and smuggling Al-Shabaab members from Somalia through Tanga to onward destinations in Africa and the network's lucrative smuggling activities of 'hard' drugs and oil bunkering.

40. According to sources in the Tanga fishing sector, the small fishing village and port of Sahare has been a key recruiting ground for "Cholo" Muene's network.[62] The Monitoring Group estimates that at least one in every four fishermen operating from the Sahare port has at one time or the other cooperated with the "Cholo" Muene network. [63] To date, the Monitoring Group has identified at least twenty Tanga-based fishermen who are members of the "Cholo" Muene network.

41. Multiple local sources have also confirmed to the Monitoring Group that, at one time or another, these fishermen have either transported Al-Shabaab recruits from Tanga to Somalia, smuggled Al-Shabaab members from Somalia through Tanga, smuggled goods such as petrol and diesel to Kismayo (and possibly Baraawe), or trafficked drugs through Tanga.[64] In October 2011, TFG authorities apprehended a speedboat containing a number of weapons in Mogadishu.[65] One of the passengers the boat was Abdallah Mte, a petty drug dealer from the Muene network known in Tanga as "Mc'Dealer";[66] the other seven passengers were believed to be by the TFG authorities to be Kenyans and Tanzanians with fishing licenses issued in Tanga.[67] During a Monitoring Group visit to Mogadishu in March 2012, a TFG marine official indicated that Abdallah Mte's boat had been travelling from Baraawe: an Al-Shabaab-controlled port and known destination of the Muene network when operating in Somali waters. Currently, Abdallah Mte and his co-passengers are on trial in Mogadishu for suspected links to Al-Shabaab.

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[60] On 21 February 2012, "S" from a Zambian drug ring called "Cholo" on his mobile (+255 784 746 334). According to "S", "Cholo" had instructed him to contact and liaise with his brother "Shehe Rashid Muene (on +255 714 070 988) who was now handling Tanga-based operations.

[61] Monitoring Group field trip to Tanga from 13 – 26 March 2012.

[62] Interview with a Tanga fishing licence official, Sahare port, February 2012.

[63] Interview with fishing community, Sahare fishing port, Tanga, November 2011 – March 2012.

[64] Interview with "M" Sahare fishing port, Tanga, 25 March 2012.

[65] http://www.somaliareport.com/index.php/post/1781/Somalia_Captures_Speed_Boat_Filled_with_Weapons.

[66] Abdallah Mte is a known drug peddler and fisherman in Tanga. On 25 March, the Monitoring Group visited a popular 'drug den' ("Mtega Place" on 16th Street) in Tanga and interviewed close associates of Abdallah Mte. During the interview they claimed he had been missing and that he had frequently smuggled people across to Somalia from Tanga. Multiple sources have informed the Monitoring Group that one of "Cholo's" first criminal activities was as a local drug peddler working out of the same 'drug den' as Abdallah Mte at the "Mtega Place" (drug place) on 16th Street in Tanga.

[67] Monitoring Group visit to Mogadishu, March 2012.

42. There is no doubt that "Cholo" and Shehe Rashid are aware that both the people they smuggled to Somalia include new recruits joining Al-Shabaab and that their 'passengers' returning back from Somalia included members of Al-Shabaab. In a 17 March 2012 discussion between Shehe Rashid and a local accomplice, Shehe Rashid described how his brother "Cholo" had routinely enlisted the assistance of Tanga fishermen in transporting Al-Shabaab recruits (AMYC members) to Somalia, typically in carrying their human cargo by sea from Tanga to Majoreni (Kenya):

> I know some of them [Al-Shabaab]. There are some Somalis and some Arab fellows. Those [recruiters] are the guys who actually get the others across. And there are some who pose as fishermen; only people who interact with them will even know they are part of Al-Shabaab.[68]

43. Two law enforcement sources in Tanga have separately confirmed to the Monitoring Group that "Cholo's" activities include drug trafficking, oil bunkering and human smuggling in both directions between Somalia and Tanzania[69] A long-time associate of "Cholo" has separately told the Monitoring Group that "Cholo" undertakes human smuggling on behalf of AMYC activist and recruiter, Fuad Barahiyan.[70]

44. The fishermen engaged by the Muene network, have often claimed they not aware of the nature of their cargo, a suggestion the Monitoring Group finds difficult to accept. Majisu Juma, a fisherman with over ten years experience in the Tanga fishing sector, has often worked for the Muene network as a boat's captain. Contrary to multiple testimonies, Majisu denies ever fishing or sailing beyond Tanzania waters, he later admitted to the Monitoring Group that he occasionally ferries goods and "does the jobs" he is asked to do, without having any knowledge of the contents of the packages.[71]

45. Rashid Salimu Ussi, popularly known as "Captain Matupa", is a close associate of Majisu and also member of the Muene network. Like many of the "Cholo" Muene network members, "Captain Matupa" is originally from the Island of Pemba, and a trusted and experienced operator.[72] In discussions with close associates, "Captain Matupa's" had acknowledged his own role in transporting recruits to Somalia; smuggling Somalis into Tanga[73]; trafficking drugs; and smuggling diesel to destinations in Somalia controlled by Al-Shabaab, including Kismayo and Baraawe.

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[68] Confidential audio recording (1_18.12) of Shehe Rashid Muene dated 17 March 2012.

[69] "S" briefing to the Monitoring Group in Mombasa from 5-6 May 2012, and Monitoring Group telephone communication with a Tanga-based law enforcement official on 23 May 2012.

[70] Monitoring Group interview with a close associate ("MP") of "Cholo", Mombasa, 24-25 May 2012.

[71] When asked by the Monitoring Group what the contents of the packages that Majisu claims he only ferried and refused to acknowledge they were drugs.

[72] According to credible sources, "Captain Matupa's" main operations for the network have been transporting drugs.

[73] Multiple sources have confirmed to the Monitoring Group that the "Cholo" Muene network have mainly worked the Tanga – Mombasa – Kismayo or Barawe route. Based on this information the Monitoring Group assesses with great confidence that members of Al-Shabaab have more than likely been smuggled back into Tanga on the network's return journeys from Somalia.

46. On 24 March 2012, "Captain Matupa", representing the "Cholo" Muene network, met with a member of a Zambian drug ring at the Chi-Chi bar in Tanga. The purpose of the meeting was to assemble a team from the "Cholo" Muene network and to identify members of the Tanga police and military who might cooperate in the transportation of drugs from Mombasa, and the smuggling of Tanzanian Al-Shabaab recruits to Somalia. During the course of the discussion, "Captain Matupa" explained how the Muene network has made use of Kenyan territory as a transit point for Al-Shabaab recruits in transit from Tanga to Somalia:[74]

> Like the way we help people from Mombasa to Somalia. You will find one ship owner gaining weight as the number of his trips to Somalia increase. He gets bigger machines [boats], buys a big house and big cars. But everyone knows that he is helping others at a price. And people are trying to earn quick cash in this way.[75]

Photo of the Chi Chi bar meeting
(From left to right: "Captain Matupa" member Zambian drug network and Salim Rashid)

47. "Captain Matupa" explains that the Muene network's standard practice is to use medium-size vessels with a capacity to carry seventy people to Somalia at a charge of US$250 per recruit.[76] "Captain Matupa" also refers to return trips from Somalia to Tanga, stating:

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[74] Between March and April 2012, the "Cholo" Muene network had been negotiating with a member of a Zambian drug network on importing drugs (heroin and qaad) from Mombasa and transferring 38 passengers to Somalia.
[75] Confidential audio recording of "Captain Matupa" dated 24 March 2012.
[76] Confidential audio recording of "Captain Matupa" dated 24 March 2012.

> Those people of Somalia, they choose who will be the leader when they travel. They even divided themselves […] they never put more than two groups of Somalis together. They fight like mad dogs. They don't understand each other. They fight over small small small things. If you compare us to Somalis we are more mature than them. We are ahead of them.[77]

Jambe Island: Al-Shabaab transit point

48. The island of Jambe, just off the coast of Tanga is largely uninhabited except for reptiles and coloured gorillas. But for several years, the 230square meter island has served as a transit point and hideout for Somalis being smuggled via Tanga to onward destinations in Africa.

49. Multiple local sources from Sahare fishing port have described to the Monitoring Group increased numbers of Somalis including, in the Monitoring Group's assessment, members of Al-Shabaab, being smuggled into Tanga from Somali towns such as Barawe and Kismayo.[78] The Somali 'passengers' are transported to Jambe Island, where they may remain for three to five days, camping in the forest, until their safe passage to the mainland can be arranged. [79] They are transported in small groups to Tanga, and proceed with their onward journey.

50. According to one fisherman, who claims to have witnessed smuggling operations taking place at Jambe between June 2010 and September 2011, the human cargo, consisting mainly of Somalis and sometimes Ethiopians, would disembark at Jambe between midnight and 1:00am.[80] While the use of Jambe appears to be mainly as a safe and convenient transit point, away from the scrutiny of the Tanzanian authorities, the Monitoring Group has also learned also from a close associate of "Cholo" that smugglers such as the Muene network are often forced to use the island due to the unpredictability of the tidal currents and waves.[81] First hand information provided to the Monitoring Group by a fishing source and close associate of Majisu Juma suggests Majisu and another member of the Muene network, Salu Issa have frequently smuggled Somalis and other nationals via the island on behalf of "Cholo".[82]

51. On 26 March 2012, the Monitoring Group visited the Island of Jambe in order to assess the veracity of such claims. During a one-hour visit to the island accompanied by a fishing source familiar with the activities taking place on the island, the Monitoring Group encountered no human presence, but found numerous indications that large numbers of people have over the years camped on the island including a number of makeshift camps where it was obvious that people had previously stayed. The campsites were littered with refuse including discarded clothes, empty bottles of water, bread wrappers (from Kenya), and discarded medicine wrappers.

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[77] Confidential audio recording of "Captain Matupa" dated 24 March 2012.

[78] The Monitoring Group is aware that smugglers, including "Cholo" transport recruits to Kismayo and Baraawe. In its assessment, it is highly likely that 'passengers' returning from this town will include members of Al-Shabaab.

[79] Interview at Sahare fishing village, Tanga, 25 January 2012.

[80] According to a fishing source, around 15 people of Somali origin had been arrested in September 2011 after escaping from Jambe.

[81] Monitoring Group interview with a close associate ("MP") of "Cholo", Mombasa, 24-25 May 2012.

[82] Monitoring Group interview with "MB" (a close associate and neigbour of Majisu Juma), 28 May 2012.

52. Information provided by members of the fishing community in the nearby Sahare village to the Monitoring Group strongly suggests that locals from Tanga have not lived on the island for many years. In addition, they claim the Tanzanian government has prohibited people from residing on the island. Although the SEMG findings on the island of Jambe appear to corroborate accounts of people smuggling from Somalia, it is not possible to state with certainty whether or not this enterprise involves Somalis or members of Al-Shabaab.

‘Oil bunkering’: smuggling stolen fuel to Somalia

53. Next to drug trafficking, the smuggling of goods to Somalia – especially fuel -- has become one of the most profitable criminal activities in Tanga by the Muene family.[83] Information obtained by the Monitoring Group suggests this has apparently included the collusion of some local businessmen, officials, and may extend to the participation of members of the security forces. As a result, the Muene network’s activities in support of AMYC and Al-Shabaab appear to have been shielded from official notice or intervention.[84]

54. For a number of years until early 2012, “Cholo” and local businessmen were reportedly operating illegal ‘oil-bunkering’ schemes (theft of petroleum products) in Tanga, siphoning off petrol from tankers docking off Tanga. The Monitoring Group has received multiple reports that “Cholo” has been aided and abetted in this criminal enterprise by a well-known local businessman linked to the oil business in Tanga. However, during several phone interviews in May 2012 and a subsequent meeting in Mombasa on 3 June 2012, the businessman and a key figure in Tanga’s oil supply denied colluding with “Cholo” and the Muene network in their illegal activities. The businessman’s detailed account of “Cholo’s” illegal activities to the Monitoring Group, ranging from description of “Cholo’s” drug trafficking, illegal oil bunkering and stealing from oil depots and the Muene’s smuggling of Somalis to and back from Somalia all corroborates with information on the Muene family.[85] According to members of the Muene network and local law enforcement officials, oil and diesel fuel illegally siphoned off were regularly transported to destinations as far as Somalia, including areas controlled by Al-Shabaab, in consignments containing over 200 drums each.[86]

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[83] The Monitoring Group has received various uncorroborated reports that other Tanga-based smugglers have illegally shipped petroleum products to Somalia.

[84] According to a Chumbageni law enforcement official, “Cholo’s” activities are known but to date he has never been arrested in connection to the network’s activities. In the official’s opinion, “Cholo” has been receiving official protection from Tanga security officials; Monitoring Group telephone interview with Tanga law enforcement official, 23 May 2012.

[85] During the Monitoring Group’s investigation, the above key businessman’s name has continued to be linked to the Muene network. In an interview with the businessman on 3 June 2012, he admitted to knowing and engaging in business with “Cholo” and his family but never to have participated in the Muene network’s illegal activities. The Monitoring Group is not convinced that the above businessman has colluded with “Cholo” in supplying oil to Somalia.

[86] Interviews with multiple members of the Muene network, including “Captain Matupa” and Salim Rashid, also suggest that some the stolen oil has been sold locally in Tanga; also, interview with a law enforcement official from Tanga, 23 May 2012.

55. Multiple sources have attributed the success of “Cho[illegible] network in Tanga to the complicity of local law enforcement and security officials.[87] According to one member of the network:

> “Cholo”! “Cholo” can get himself out of any situation! He is sly! Even if they [Police] get him with the stuff [drugs and/or goods], all he does is take them aside, orders some drinks and gives them something small and sooner or later he continues with his journey. He is sly! There is a time when they [Maritime Police] surrounded the “Kokoteni”.[88] They [Maritime Police] came and tried to harass him but I don’t know what he told them, they dispersed.[89]

56. A local law enforcement source told the Monitoring Group that in late 2011, several members of the Muene network caught stealing from a GBP pipeline in order to smuggle the oil to Al-Shabaab controlled port towns in Somalia were arrested, but subsequently released without charge when “Cholo” and others intervened.[90]

57. From the Monitoring Group’s perspective, however, a more disturbing allegation involves the alleged collusion of Tanzanian police and defence forces in the smuggling of AMYC/Al-Shabaab recruits to Somalia. According to “Cholo” associate Shehe Rashid:

> That is why I am saying that you should get help from “Cholo” [Muene] because he has men [fishermen] who can help you and he can explain to you if there are issues […] I am explaining this to you because as long as you are with “Cholo”, you are protected. The soldiers [TPDF] who are here, “Cholo” meets them.[91]

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[87] For example, interview with a close associate (“MP”) of “Cholo”, Mombasa, 24-25 May 2012.

[88] The “Kokoteni” is a boat reportedly owned by “Cholo” Muene.

[89] Statement of Salim Rashid, member “Cholo” Muene network, audio recording of Chi-Chi bar meeting dated 24 March 2012.

[90] Monitoring Group telephone interview with Tanga law enforcement official, 29 May 2012.

[91] Confidential audio recording (1_18.12) of Shehe Rashid Muene dated 17 March 2012.

Annex 4

Piracy and kidnap for ransom (KFR)

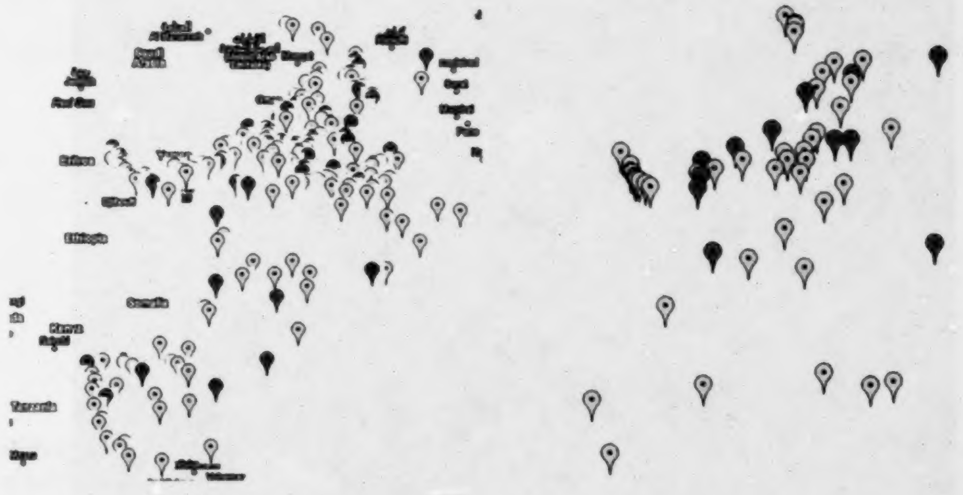
Annex 4.1.: Piracy overview: trends, judicial challenges and impunity

Overview

1. The year 2011 witnessed some positive developments in the battle against Somali piracy. Pirate activity increased, but the proportion of successful attacks dropped dramatically. Early 2012, however, saw a steep decline of around 50 per cent in both attack rates (43 versus 97) and successful hijackings (9 versus 16).[1]

2. Nevertheless, Somali piracy continues to represent a significant threat to international shipping. Somalia's two main pirate groups, the Puntland Piracy Network (PPN) and the Hobyo-Harardheere Piracy Network (HHPN),[2] both remain active, well-organized and continue to operate from their usual anchorages,[3] chiefly Harardheere (HHPN), Garacad (PPN), and a pirate camp some 17 nautical miles north of Bandar Beyla (PPN). From these and other, smaller bases, the pirates range across an immense area comprising the southern Red Sea, Gulf of Aden, Indian Ocean (east and south of Somalia down to the north of Mozambique), Arabian Sea and Gulf of Oman.[4] Decreased success rates have been matched by increasingly protracted ransom negotiations, longer periods of captivity for hijacked crews and escalating ransom payments.

International Maritime Bureau piracy map 2011 and 2012[5].



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[1] IMB data for the periods January – March 2011 and 2012.

[2] Puntland Piracy Network (PPN) and Hobyo-Harardheere Piracy Network (HHPN) as identified in Monitoring Group reports 1853 and 1916.

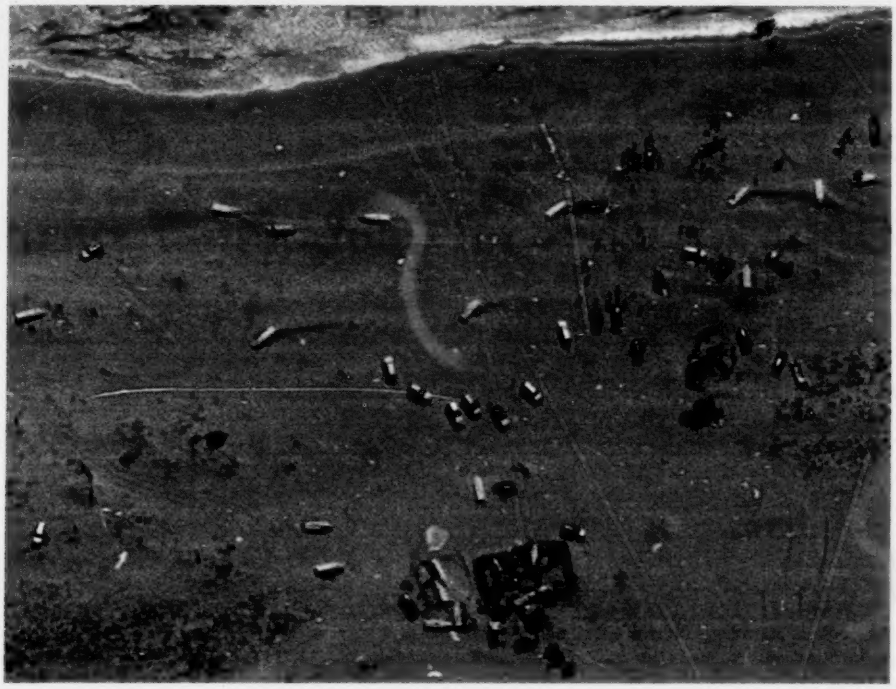
[3] See 18 July 2011 Monitoring Group report (S/2011/433).

[4] On 6 April 2012, the Chinese-owned general cargo vessel 'Xiang Hua Men' was hijacked at position 25°28'N-057°32'E, close to the Straits of Hormuz and just 60 nautical miles off Fujairah, believed to be the second largest worldwide bunkering port.

[5] Until 26 May 2012.

3. On 23 March 2012 the Council of the European Union extended the area of operations of the EU Naval Force (EU NAVFOR) counter-piracy mission, Operation Atalanta, to include Somali coastal territory and internal waters, in order to attack pirate camps and logistical bases. A first attack with maritime aircraft and attack helicopters was reportedly carried out in the early hours of 15 May 2012 along Somalia's coastline in the central region of Gaalmudug.[6] The Monitoring Group believes that this new military strategy has the potential to degrade pirate finances and morale, but its success will depend heavily on the frequency and effectiveness of the attacks, and could be counterproductive if it entails significant civilian casualties. On the other hand, Somali pirates have proven extremely adaptive, and will almost certainly take steps to disperse weapons and equipment, and to rethink their own tactics. One option available to them may be heavier weaponry to defend themselves against future attacks, and in the belief that foreign governments are not prepared to accept casualties in the conduct of counter-piracy missions. Another risk is the possibility of closer cooperation between pirates and Al-Shabaab militias in areas such as Harardheere, where many fighters in both groups are drawn from the same clans. An escalation in violence might also impact upon pirate negotiating demands and the treatment of hostages: a day after the airborne attack on 15 May, for example, Harardheere pirates threatened to kill European hostages in the event of any future attack against them.[7]

Somali pirate camp or base located in central Somalia, south of Harardheere.



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[6] http://www.eurotribune.eu/index.default.php/?p=27653&l=0&idioma=2.

[7] http://www.somaliareport.com/index.php/post/3361.

Tactics, Techniques, Weapons and Equipment

4. With one notable exception (see the case study below), pirate tactics, techniques, weapons and equipment remained generally the same as in previous years.[8] There has been little change in the level of violence used by Somali pirates during attacks against merchant vessels, [9] although the pirates' ability to lay down effective fire has been degraded somewhat by the increasing presence of armed security on board of vessels, forcing pirates to abort attacks earlier and at greater ranges from targeted vessels.

5. Reports of 'swarm attacks',[10] which have occasionally been called in by merchant vessels at certain locations identified as 'choke points', are attributable to hasty and inaccurate reporting prompted by encounters with large numbers of small fishing boats at the same time and at close range.[11]

Case study: Hijacking of the 'Fairchem Bogey'

Just before dawn on a foggy morning in August 2011, [12] the watchman on duty of the chemical/oil products tanker 'Fairchem Bogey' was surprised and overpowered by two Somali pirates. In an unexpected and alarming departure from standard pirate practice, the attack took place while the vessel was anchored just two nautical miles off the port of Salalah, in Omani territorial waters, awaiting collection of cargo.

The Fairchem Bogey, renamed 'Fairchem Eagle' after its release on 12 January 2012.

The watchman managed to sound the alarm, allowing the rest of the crew to lock themselves in the ship's citadel and inform the Omani authorities. However, two hours later, with no sign of the Omani Coast Guard or Navy, four more pirates had boarded the vessel, and broke through the double steel doors of the citadel by force and firearms. The ship, now officially hijacked, was then taken out of Salalah port and sailed to Somalia.

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[8] See SEMG reports 1853 and 1916.

[9] Somali pirates have fired weapons in 92% of all attacks during 2009-2010.

[10] Comprising 5 to 10 or possibly more skiffs.

[11] Such as the South Red Sea, Bab El Mandeb Street, Strait of Hormuz and east of Fujairah (Gulf of Oman). Assessment obtained from Naval Coalition Force.

[12] Approximately 0500AM local time on 20 August 2011.

The commander of the pirate attack team, named 'Burhan', later told the Captain of the 'Fairchem Bogey' that his team had been planning an attack at Salalah anchorage for several weeks, as sources had informed them that security measures there were low. After an on-site reconnaissance on site with a dhow, the pirates then attacked the Fairchem Bogey, which just happened to be in the wrong place at the wrong time. According to the pirates, a similar attack was planned at Fujairah anchorage.[13]

The unprecedented hijacking, well inside Omani territorial waters, generated widespread concern in the region that Somali piracy might have entered a new phase, but so far there have been no repeat incidents.

6. For hostages, the experience of captivity is by definition psychologically and physically challenging. Since the average time spent in captivity is increasing, conditions on board are likely to deteriorate, due to lack of hygiene and exercise, scarcity of food, water and medicines, and growing despair among hostages. Psychological abuse of captive crewmembers is standard practice and usually proportional to the difficulty and duration of negotiations.[14] Long and acrimonious negotiations may increase the frequency and the cruelty of the abuse. However, physical violence against crewmembers remains the exception rather than the rule, and the Monitoring Group has detected no appreciable rise over previous years. Physical abuse is often directly related to specific situations or circumstances, due to stress and/or miscommunications. While exceptional, senseless brutality and torture have been reported in at least two recent cases.[15]

Pirate Negotiators and Ransom Payments

7. The Monitoring Group reported extensively on the activities of pirate negotiators in its July 2011 report and has continued to monitor and investigate their involvement. Pirate leadership in both the PPN and the HHPN still rely on essentially the same pool of negotiators and translators to conduct ransom negotiations on their behalf. However, Monitoring Group inquiries have identified a growing number of pirate leaders, negotiators and associates from or with linkages to the Somali diaspora in Europe, the U.S., Asia, the Middle East and other places in Africa.

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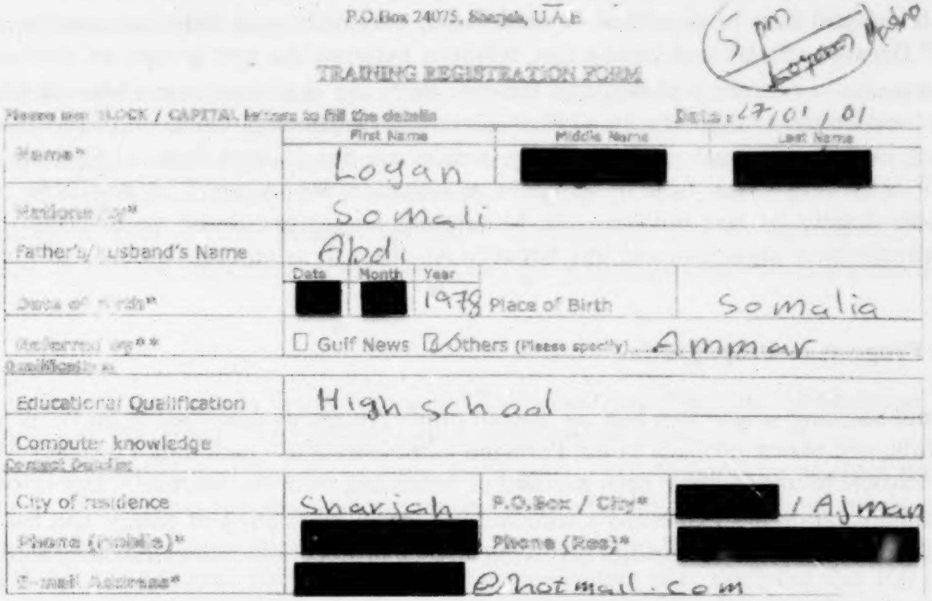
[13] United Arab Emirates.

[14] For example, pirates often force crewmembers to call their family to report on fear of life, mistreatment, violence, sickness, … in order to increase pressure on the negotiations.

[15] One confirmed (Irene SL hijacking: physical abuse reported in confidence to the Monitoring Group) and one unconfirmed (Shiuh Fu-1 hijacking: http://www.tuoitrenews.vn/cmlink/tuoitrenews/society/somalia-pirates-chop-off-arm-vietnam-hostage-1.59229).

Language training registration form filled in by pirate negotiator Loyan when residing in the UAE in 2001.



P.O.Box 24075, Sharjah, U.A.E

5 pm

TRAINING REGISTRATION FORM

Please use BLOCK / CAPITAL letters to fill the details Date : 27/01/01

	First Name	Middle Name	Last Name
Name*	Loyan	[redacted]	[redacted]
Nationality*	Somali		
Father's/Husband's Name	Abdi		
Date of Birth*	Date [redacted] Month [redacted] Year 1978	Place of Birth	Somalia
Referred by**	☐ Gulf News ☑ Others (Please specify) Ammar		

Qualification

Educational Qualification	High school
Computer knowledge	

Contact Details

City of residence	Sharjah	P.O.Box / City*	[redacted] / Ajman
Phone (mobile)*	[redacted]	Phone (Res)*	[redacted]
E-mail Address*	[redacted] @hotmail.com		

8. With diminishing levels of pirate activity and a declining success rate, ransom negotiations are becoming more difficult and longer lasting. This is especially detrimental to hijacked seafarers, who on average spent close to six months in captivity in 2011,[16] in comparison with five months in 2010.[17] Worse still, the crews of the last ten merchant vessels to be released from captivity between October and December 2011 on average spent nearly eight months as hostages: three months longer than the 2010 mean.[18]

9. The increase in ransom payments in 2011 appears to have been less spectacular than in 2010.[19] This could in part be attributed to the increasing use of armed protection on board of high-value ships, but may also be indicative of ransom amounts gradually approaching a maximum payout limit.

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[16] For 2011 the Monitoring Group's estimated that hijacked crew on average spent 5.8 months in captivity.

[17] http://oceansbeyondpiracy.org/sites/default/files/human_cost_of_somali_piracy.pdf.

[18] Sinin; Polar; MSC Panama; Hoang Son Sun; Dover, Eagle; Blida; Rosalia D'Amato; Gemini; Savina Caylyn.

[19] For 2011 the Monitoring Group estimates that the average ransom pay out for a regular merchant vessel and its crew amounted to US$4.8 million, which does not include fishing vessels, Somali operated vessels and or hostages held on land. The highest ransom payment reported during the course of the mandate was $11.5 million (crude oil tanker 'Savina Caylyn', 08 February, D'Amato Fratelli SpA), the lowest US$200,000 (oil products tanker MT *Jubba XX*, 16 July 2011, General Trading CO LLC).

Piracy and Al-Shabaab

10. As per the Monitoring Group's July 2011 report, the linkages between Somali pirates and Al-Shabaab can still best be described as clan-based, pragmatic, and linked to specific geographic locations.[20] Because of clan and family ties, relations between the two groups are characterized by competition and co-existence, and the lines between them can at times become blurred: for example, members of local militias aligned with Al-Shabaab, are not necessarily excluded from participating in piracy operations for personal gain. Similarly, pirates are not exempt from Al-Shabaab's standard practice of demanding taxes from individuals or organisations engaged in profitable enterprises. Despite these largely ad hoc linkages, the Monitoring Group has found no evidence that would suggest a structural or organizational link between Al-Shabaab as an organization and Somali pirate networks.

Puntland: Progress or Propaganda?

11. Puntland has long served as a hub for Somali pirate groups, as described in previous Monitoring Group reports, and senior officials in the Puntland administration – including President Abdirahman Mohamud Faroole himself – have been accused of benefiting from the practice.[21] But since 2009, the Puntland administration has expressed a commitment to the eradication of piracy, and has embarked on a sustained counter-piracy campaign involving arrests, prosecutions and community mobilization.

12. The Puntland authorities have also succeeded in marketing their counter-piracy efforts as a major source of international funding. Some foreign donors have invested in Puntland police, custodial and judicial systems, while others, notably the United Arab Emirates, have allocated tens of millions of dollars to establish, train and equip the 'Puntland Maritime Police Force' (or PMPF, see Annex 5.3.a.).

13. The authenticity of the Puntland authority's commitment to fighting piracy, however, remains questionable. Puntland remains the destination of choice – specifically the anchorages near Garacad and Bandar Beyla - for hijacked commercial vessels. The PMPF, meanwhile, represents a highly profitable enterprise for relatives and close associates of Puntland President Faroole, and has yet to be deployed in a single, significant counter piracy operation. While several hundred junior pirates languish in internationally funded Puntland prisons, senior pirate leaders and negotiators continue to operate in Puntland with impunity.[22] Puntland administration statistics with respect to reported arrests, convictions and prisoners are so riddled with inconsistencies that they lack credibility and at times seem designed to attract donor support rather than to reflect reality.

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[20] For example Harardheere or Kismaayo.

[21] http://www.galgalanews.com/?p=5589 ; http://www.reuters.com/article/2009/03/18/idUSN18379298 ;
http://www.somaliareport.com/index.php/post/2792/SR_Interviews_Mother_of_Feared_Pirate ;
http://www.raxanreeb.com/2012/04/somalia-mv-leilas-agent-says-puntland-minister-got-his-share-from-ransom-paid-to-the-pirates/.

[22] With exception of notorious pirate leader Abshir Boyah, who was arrested in May 2010 but then sentenced to 5 years prison only, apocryphal in comparison to his past involvement and reported convictions of much less significant young pirates, sentenced up to 20 years or more in prison.

14. The Puntland authorities have repeatedly deferred and ultimately declined a proposed Monitoring Group mission to Puntland to investigate and clarify these issues.[23]

Arrests, convictions and prisoners

15. The Monitoring Group has closely monitored reports of arrests and seizures of suspected pirates, their weapons and equipment[24] by Puntland security forces.[25] No less than 281 pirates have reportedly been arrested during a total of 11 operations conducted between October 2011 and February 2012 in the vicinity of Garacad and Jiriiban.[26] An additional 9 suspects were arrested in March and June 2011,[27] making a total of 290 pirates reportedly 'arrested' to date in 2011-2012.[28] However, inconsistencies in previous reporting on the subject call the accuracy of such statistics into question.

2009

- At an anti-piracy rally in Garowe in early 2009, Puntland President Abdirahman Mohamud Faroole told the crowd: "Recently we have condemned 60 pirates."[29]
- In April 2009, President Faroole repeated that figure to US Ambassador Michael Ranneberger, stating: "sixty pirates are serving sentences of three to twenty years in Puntland prisons".[30]
- In a July 2009 interview with the BBC World Service World Business News, President Faroole added that an additional 100 piracy suspects were awaiting trial, implying that 160 individuals suspected or convicted of piracy-related offences were in Puntland custody.[31]
- In October 2009, Garoweonline reported that since the Puntland presidential election of January 2009, more than 120 pirates had been convicted and jailed in Puntland.[32]

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[23] 21 March 2012 email of the Puntland Presidency to the Monitoring Group.

[24] A variety of weapons (PKM's, RPG's, AK47's, pistols, and other rifles), skiffs, vehicles and other equipment such as ladders, a compass and a satellite phone.

[25] Mainly police forces of the Jiriiban District leadership but also police of Bosaaso and Garoowe. Not to be confused with the Puntland Maritime Police Force (PMPF).

[26] http://www.somaliareport.com/index.php/post/1821; http://www.somaliareport.com/index.php/post/1912; http://www.mareeg.com/fidsan.php?sid=21809&tirsan=3; http://www.somaliareport.com/index.php/post/2126; http://www.caalami.com/?p=9602; http://www.somaliareport.com/index.php/post/2171; http://www.somaliareport.com/index.php/post/2391; http://www.somaliareport.com/index.php/post/2430; http://www.somaliareport.com/index.php/post/2554; http://www.somaliareport.com/index.php/post/2780/Puntland_Arrests_11_Pirates_Burns_Speedboat; http://www.bar-kulan.com/2012/02/24/puntland-arrests-ten-suspected-pirates-in-jariban-district/.

[27] http://www.bar-kulan.com/2011/03/15/puntland-security-forces-apprehend-11-pirates/; http://www.somaliareport.com/index.php/subcategory/8/Piracy_REPORT/Piracy/062011///3.

[28] 24 May 2012.

[29] http://afrikansarvi.fi/22-matkakertomus/50-the-country-of-poets-and-pirates; http://wardheernews.com/Articles_2010/Jan/Kapchits/20_Kapchits_Reports_Part_III.html.

[30] http://www.cablegatesearch.net/cable.php?id=09NAIROBI782.

[31] http://news.bbc.co.uk/2/hi/business/8150493.stm.

[32] http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Puntland_sentences_10_to_jail_terms.shtml.

2010

- On 22 March 2010, President Faroole's announced a further increase in convicted pirates at a press conference at the presidential palace in Bosaaso, stating:[33] "Puntland has actively fought against pirates and we have 264 pirates or suspected pirates in jail".[34]
- In late May 2010, the Puntland authorities reportedly told Professors Mohamed Samantar[35] and David K. Leonard,[36] that 245 pirates were imprisoned in an internationally financed prison in Bosaaso.[37]
- A Garoweonline media article of June 2010 cited Puntland Minister of Marine Transport and Ports, Sa'id Mohamed Raage, and other government officials warning that Puntland prisons were stretched to their limits with more than 300 arrested pirates, and calling for assistance to increase prison capacity.[38]
- The UN Secretary General's report on Somalia of 9 September 2010 makes reference to a claim by the Puntland Government that more than 350 pirates or suspected pirates were then in prison.[39]

2011

- In June 2011, an EU-funded UNODC report "Support to the Trial and related Treatment of Piracy Suspects", and a UN Security Council meeting document dated the same month, both refer to a total of 290 prisoners, of which 240 had been convicted.[40]
- On 20 October 2011, President Faroole told participants at the Combating Piracy Week in London, United Kingdom, that his administration had 242 pirates and suspected pirates in custody.[41]
- An official press release by the Puntland Presidency dated 29 November 2011 indicated that over 200 pirates were then imprisoned in Puntland.[42]

2012

- 281 pirates reportedly arrested in Puntland between October 2011 and May 2012, brings the total of pirates reportedly jailed in Puntland to close to 600.

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[33] In response to the Monitoring Group's March 2010 report to the UN Security Council.

[34] http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Puntland_s_leader_says_UN_report_is_politically_motivated_printer.shtml.

[35] Professor of Economics, Puntland State University.

[36] Professor in Governance, Institute of Development Studies (Sussex).

[37] 'Puntland and the Quandary of Somali Piracy', cited at http://www.radiodaljir.com/xview.php?id=867.

[38] http://www.garoweonline.com/artman2/publish/Somalia_27/Puntland_forces_forcible_free_hijacked_ship.shtml.

[39] S/2010/447 of 9 September 2010.

[40] http://www.unodc.org/documents/Piracy/UNODC_Brochure_Issue_6_WV.pdf;
http://www.un.org/News/Press/docs/2011/sc10287.doc.htm.

[41] http://www.garoweonline.com/artman2/publish/Press_Releases_32/Speech_of_the_President_of_Puntland_at.shtml.

[42] http://www.radiodaljir.com/xview.php?id=1349.

- A Somali Report article on the PMPF of 20 January 2012 cites a much lower figure of "nearly 300" prisoners on piracy-related charges.
- The 'Report of the UN Secretary General on Specialized Anti-piracy Courts in Somalia and other States in the Region', dated January 2012, refers to a total of 290 prisoners, of which 240 had been convicted[43]. However, these figures had already been communicated to the public in the UNODC report of June 2011.[44]
- In its February 2012 'Counter Piracy Programme Brochure'[45] the UN Office on Drugs and Crime (UNODC) restated the June 2011 figures contained in the UN Secretary General's report.[46]
- In April 2012, UNODC restated these same figures to the Monitoring Group, but with the qualification that the Puntland administration "doesn't hold precise figures about its jailed prisoners."

16. In sum, it appears that while the prison population of suspected and convicted pirates in Puntland has grown from approximately 60 in 2009 to almost 300 in early 2012, these figures are unverified and – in the absence of accurate statistics on prisoner acquittals and releases over the same period – unverifiable. For example, the Puntland authorities' claim that 281 pirates were arrested between October 2011 and May 2012 should have brought the number of suspected or convicted pirates to close to 600, but independent reports (including UNODC) retained a total of under 300 detainees, leaving nearly 300 others unaccounted for. Under such circumstances, and in the absence of independent verification of the numbers and status of piracy-related detainees, the Monitoring Group considers such figures to lack credibility.

Inaction and impunity

17. While hundreds of junior pirates serve sentences in Puntland's prisons, top pirate leaders/organizers/investors and negotiators including Mohamed Abdi Garaad, Abdullahi Farah Hassan,[47] Loyan Siciid Barte[48], Ciise Yulux, and Mohamed Warsame (a.k.a. Haaji),[49] have remained undisturbed, and have continued to organize and manage piracy operations. One notable exception in this regard is the notorious pirate leader Abshir Boyah, who was arrested in May 2010 after international pressure had been applied to the Puntland authorities. Since, by his own account, Boyah once headed a militia of approximately 500 pirates and was responsible for between 25 and 60 hijackings, his sentence of only 5 years contrasts sharply with penalties of up to 20 years awarded junior pirate figures and foot soldiers.[50]

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[43] http://oceansbeyondpiracy.org/sites/default/files/somalia_s_2012_50.pdf.

[44] http://www.unodc.org/documents/Piracy/UNODC_Brochure_Issue_6_WV.pdf;
http://www.un.org/News/Press/docs/2011/sc10287.doc.htm.

[45] http://www.unodc.org/documents/easternafrica//piracy/20120206-UNODC_Brochure_Issue_8.1.pdf.

[46] United Nations Office on Drugs and Crime, involved in building and refurbishing prisons in Puntland and Somaliland.

[47] A.k.a. Abdi Yare.

[48] A.k.a. Loyan Abdi Artan or Abdiwal Siciid (18 July 2011 Monitoring Group report S/2011/433).

[49] Warsame has been fully identified by the Monitoring Group.

[50] Boyah, 46 years old and identified as Abshir Abdullahi Abdulle, was convicted on 20 January 2011 in Bosaaso.

18. A more alarming development is the re-emergence of Puntland, since 2011, as the principal base of operations for Somali pirates. On 10 January 2011, at least 10 hijacked vessels were reportedly anchored in the vicinity of Garacad in northern Mudug region.[51] Since 20 August 2011 until the time of writing, every merchant vessel hijacked by Somali pirates (a total of 8 to date),[52] has ended up in the custody of the Puntland Piracy Network (PPN), of which 4 vessels were anchored in the vicinity of Garacad[53] and 3 others further north between Bandar Beyla and Raas Haafun.[54] In comparison, only 2 vessels remain under control of the Hobyo-Harardheere Piracy Network (HHPN): the 'Albedo' and the 'Orna'. Despite repeated claims by Puntland officials that pirates have been completely removed and eradicated from Garacad and Jiriiban districts, Garacad remains the largest and most active pirate anchorage in Somalia. [55]

Case Study: Mohamed Abdi Garaad's Last Hijacking?

Mohamed Abdi Garaad, the leader of a pirate militia that calls itself the 'National Volunteer Coast Guard'[56], is a principal organizer and investor in piracy activities who has been responsible for many hijackings over the past 5 years. On 12 April 2010 he was listed by the United States Department of the Treasury under Executive Order 13536 as a "principal organizer and financier of pirate activities".

Garaad's clan and familial relations have permitted him to operate with both the PPN and HHPN, using Eyl, Garacad and Hobyo as anchorages for his hijacked vessels. He also organises piracy operations from Kismaayo and is closely associated with other known pirate leaders including Abshir Boyah, Mohamed Abdi Hassan 'Afweyne' and Mohamed Gafaanje.[57] Garaad is well respected in piracy circles, in part because he is one of the very few senior pirate leaders – possibly the only one - to join his men at sea on hijacking operations.[58] Ironically, this trait also appears to have brought his piracy career – and possibly his life – to an end.

On the morning of 26 March 2012,[59] the Iranian-owned and operated bulk carrier 'Eglantine' (IMO 9193202) was hijacked by Somali pirates at position 07°00'N – 069°49'E, some 162 nautical miles west of the Maldives.[60] Four pirates were reportedly on board the ship when communications between the operating company and the vessel were broken off. The Eglantine was reportedly carrying 23 crewmembers and 60,000 metric tonnes of bulk sugar.[61]

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[51] Thor Nexus, Hannibal II, Blida, Jahan Moni, Suez, Renuar, Iceberg, Prantalay 12, Pranatalay 14 and Olib G (the latter anchored 20 nautical miles north of Garacad).

[52] Fairchem Bogey, Liquid Velvet, Enrico Ievoli, Free Goddess, Leila, Royal Grace, Eglantine and Smyrni.

[53] The 26 March 2012 hijacked Eglantine was heading to Garacad when freed by the Iranian Navy. Also still anchored at Garacad is the Ro-Ro cargo vessel 'Iceberg I' and its 25-member crew, hijacked on 29 March 2010 and held for over 2 years in captivity on the time of reporting.

[54] 17 nautical miles north of Bandar Beyla (between Bandar Beyla and Raas Haafun).

[55] http://www.somaliareport.com/index.php/post/1874; http://www.somaliareport.com/index.php/post/2005; http://www.somaliareport.com/index.php/post/2126; http://www.somaliareport.com/index.php/post/2391.

[56] Also referred to as Coast Guard Marines or Somali National Coast Guard.

[57] See Monitoring Group's 2008, 2010 and 2011 reports.

[58] His most recent hijackings allegedly include the Irene SL, Hannibal II and Gemini.

[59] 0830AM local time.

[60] Approximately 1250 nautical miles east of the coast of Somalia. The vessel had no safe room/citadel nor armed security on board.

In the late afternoon of 28 March 2012, there was another brief contact between the operating company and the ship's Captain, who stated that his crew was unharmed and that there were "twelve non-crewmembers" on board the ship. The Captain then passed the microphone to one of the pirates, who identified himself as 'Garaad Mohamed' of the 'Somali National Coastguard' and stated that his force was taking the ship to Somalia.[62]

28 March 2011, hijacked Iranian bulk carrier Eglantine heading to Garacad, Puntland, towing a pirate skiff with pirate leader/organizer/investor Mohamed Abdi Garaad reportedly on board

The vessel then set a course for Puntland, towing the pirates' mother ship (a dhow), but its voyage was suddenly aborted on the morning of 30 March 2012, some 310 nautical miles east of Garacad. For approximately 24 hours the vessel held roughly the same position, until it again began moving north at considerable speed early on 1 April. In time it became clear that the vessel was keeping a straight course for the port of Salalah in Oman.

On 2 April the Monitoring Group was informed that the vessel had been rescued by the Iranian Navy and that Mohamed Garaad, a well known Puntland pirate leader and investor, was on board the vessel,[63] confirming the initial 28 March pirate communication from the hijacked Eglantine.[64] On 3 April another source confirmed that Mohamed Garaad was indeed out at sea with his teams and hijacked a vessel, but were intercepted by the Iranian Navy who allegedly killed Garaad and two of its team during an exchange of fire.[65] On 4 April the owners of the Eglantine confirmed that the Iranian Navy had rescued the vessel on 1 April and that the vessel had safely arrived in Oman with its crew and twelve captured pirates. It was also confirmed that two crewmembers had died and one was injured during the rescue.[66] The deaths of the two seafarers and the arrest of twelve Somali pirates were confirmed by multiple media sources, referring to official statements issued by the Filipino Embassy in Teheran. However, Iran's FARS News Agency (FNA) also cited a 3 April 2012 press conference in which Iranian Navy Commander Rear Admiral Habibollah Sayyari announced that the Iranian Navy had detained thirteen pirates.[67]

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[61] 11 Iranians, 10 Filipinos, 1 Ukrainian and 1 Indian.

[62] Mohamed Abdi Garaad, a.k.a. Garaad Mohamud Mohamed, well known Puntland pirate leader and a member of the Majerteen / Issa Mohamud / Musa Issa sub clan. Identified in the Monitoring Group's 2008, 2010 and 2011 reports.

[63] Information received from a maritime source in London.

[64] Communications obtained from reliable military naval source.

[65] Information received from Somali source in Puntland.

On the basis of information received so far, the Monitoring Group believes with a high degree of confidence that Mohamed Abdi Garaad was aboard the Eglantine when it was rescued by the Iranian Navy. It remains unclear, however, whether he was arrested or killed during the course of the incident. Additional information has been requested from the Government of the Islamic Republic of Iran but the Monitoring Group has so far not received any reply.

Hobyo – Harardheere Piracy Network: From piracy to abduction

19. Although the Hobyo-Harardheere Pirate Network (HHPN) has been less active than the Puntland Pirate Network (PPN), senior figures among the group, including Mohamed Abdi Hassan 'Afweyne', Abdiqadir Mohamed Abdi, Ahmed Saneeg,[68] Mohamed Gafaanje,[69] Suhufi,[70] and Hussein Jiis, have remained actively involved in piracy and some have become involved in land-based kidnapping for ransom (KFR). Moreover, some elements of the HHPN have adopted a new and disturbing negotiating tactic, demanding not only ransom payments but also the release of Somali pirates detained in foreign countries in exchange for the release of hostages.

Screen grab from an 18 May 2012 recorded and released video footage of abducted journalist Michael Scott Moore in pirate captivity

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[66] In reference to official reporting by the Filipino Government, one of the Filipino seamen died of a gunshot wound in the head while another died of suffocation at the engine room where he sought refuge during the operation.

[67] http://english.farsnews.com/newstext.php?nn=9101140164.

[68] Also identified as Ali Saneeg Faruur.

[69] Also identified as Mohamed 'Osman' Gafaanje.

[70] Nickname, meaning 'journalist'.

20. On 15 April 2011 a pirate group active within the HHPN released the UAE owned and operated asphalt/bitumen tanker 'Asphalt Venture' and its crew after almost 7 months in custody allegedly in exchange for a US$ 3.01 million ransom payment. However, 7 of the 15-member Indian crew were left behind, apparently in retaliation for several successful counter piracy operations conducted by the Indian Navy, in which more than one hundred Somali pirates had been arrested and jailed in India.[71] Representatives of the pirate group holding the remaining crewmembers have since stated that the 7 Indians would only be freed in exchange for the release of Somali pirates imprisoned in India.

21. This new tactic was repeated on 30 November 2011 during the release of the hijacked chemical/oil products tanker 'Gemini' and its 25-member crew: 4 South Korean crew members were retained as bargaining chips for the release of 4 convicted Somali pirates imprisoned in South Korea.[72] The pirates also demanded financial compensation for the deaths of 8 of their associates during a 21 January 2011 raid by the South Korean Navy on the South Korean-owned chemical/oil products tanker 'Samho Jewelry'.[73]

22. Two crewmembers of the Seychellois fishing vessel, 'Aride',[74] hijacked on 30 October 2011,[75] are currently being held hostage on land. Their captors have reportedly demanded the release of a group of jailed pirates in the Seychelles as a condition for the release of the two fishermen. One of the pirates in Seychellois custody is believed to be a nephew of Mohamed Gafaanje.

23. It remains to be seen whether this new negotiating tactic will eventually yield results for the Somali pirates. Although the Indian and South Korean Governments have both expressed their refusal to negotiate, on 15 March 2012 the pirates released a recorded video recording showing the four South Korean hostages, and restating that they will not be released until the pirates' demands are met.[76]

24. Information received by the Monitoring Group indicates that all three groups of hostages are being held by a single, influential sub-group group of the HHPN. Other sub-groups of the HHPN, as

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[71] http://economictimes.indiatimes.com/news/politics/nation/indian-navy-arrests-61-pirates-rescues-13-sailors/articleshow/7699870.cms; http://post.jagran.com/52-Somali-pirates-in-the-net-of-Indian-Navy-1296975217; http://www.thehindu.com/news/states/kerala/article1137420.ece; http://www.cbsnews.com/2100-202_162-4667347.html; http://www.hindu.com/2009/04/29/stories/2009042957522000.htm; http://pib.nic.in/newsite/erelease.aspx?relid=45628.

[72] http://www.bbc.co.uk/news/world-asia-pacific-13575581.

[73] http://www.ft.com/intl/cms/s/0/52b5e464-2534-11e0-93ae-00144feab49a.html#axzz1rSl9B6ff.

[74] Both male and reportedly in their 60's. Said to be Seychellois and Israëli nationals (unconfirmed).

[75] Some 60 nautical miles west of Mahé, Seychelles, according to a report of Seychellois maritime official Albert Nappier; https://docs.google.com/viewer?a=v&q=cache:CXp9JODoAQEJ:masifundise.org.za/wp-content/uploads/2012/01/AOS_Piracy_Report_January-2012.pdf+aride+albert+nappier&hl=nl&pid=bl&srcid=ADGEESj_z2TDqXKc0Z_OXxwo4O29FDYTJAmZD7w3k7BUiF77YQi8rLUU-6lV9sEkXVE9ICea-KQ0Li1XZQrCGBdxzPbZdTcQrROFrwGO4ZEUVXR_R9pg111r80GA-AL2l4GefN0X4SbZ&sig=AHIEtbQegUcw0JZV11mMqji2A36emqTjKA.

[76] http://www.voanews.com/english/news/africa/Video-Puts-Attention-on-Hostages-Held-by-Somali-Pirates-145786975.html.

well as the PPN, do not appear to have bought in to this negotiating tactic, [77] since a total of 53 Indian crewmembers have been released from their custody over the same period.[78]

International responses to piracy: the need for more robust law enforcement

25. The international community has dedicated enormous resources – political, military, intelligence and financial – to combating Somali piracy in recent years. 3 large international task forces and a dozen independent, national missions are currently engaged in maritime counter piracy off the coast of Somalia.[79] The complex architecture of multilateral counter piracy efforts includes international working groups, sub-working groups, regular conferences, information and intelligence sharing platforms, and the efforts of various international organizations and entities such as Europol, Interpol, the UN, and IMO. A wide variety of military and civilian intelligence agencies are tasked with gathering detailed and specific information on the organization and activities of Somali piracy networks. But a critical, potentially decisive, element is missing: a more robust commitment to investigate Somali piracy from a law enforcement perspective and to prosecute identifying key individuals who organize, finance or benefit from this essentially criminal activity.[80]

26. The hijack of a vessel inevitably involves multiple States, because of the flag of the vessel, location of registration of owning and/or operating company and the nationality of the hostages. The 125 registered hijacking cases attributed to Somali pirates since 16 December 2008 have affected at least 83 different countries, all of whom would in theory be entitled to prosecute individuals who have cause harm to their citizens or national interests. Very few, however, have actually done so. Moreover, although 20 countries currently detain suspected Somali pirates in custody with a view to prosecution, their efforts are primarily limited to the alleged actions and specific responsibility of these detainees. Not more than 10 of these governments have taken the initiative to undertake broader investigations into Somali pirate networks in order to identify the pirate 'kingpins' who are ultimately responsible for organizing these international crimes and who benefit the most from them. Similarly, attempts to impose targeted sanctions against senior Somali pirate figures have been thwarted in the UN Security Council. As a result, the international community is investing enormous resources to pursue and punish those at the bottom of the piracy pyramid – most of whom are impoverished, functionally illiterate youth who are easily replaced – while virtually guaranteeing impunity for those at the top of the hierarchy who bear greatest responsibility and profit the most.

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[77] Remain also in pirate custody on land: At least 4 Thai crew members of the hijacked fishing vessel 'Prantalay 12'; the South African - Italian sailing couple of the hijacked sailing yacht 'Choizil'; 6 crew members of the hijacked general cargo vessel 'Leopard' (4 Filipinos and 2 Danes); 2 abducted Spanish MSF aid workers; 1 abducted US jounalist.

[78] Vessels with Indian crewmembers released between 10 June and 21 December 2011: Zirku (10 June); Sinin (13 August); Fairchem Bogey (20 August – 20 all Indian crew); Savina Caylyn (21 December).

[79] NATO, EU NAVFOR, CMF-TF151 and independent naval task forces such as China, Russia, India, Iran, Japan, Indonesia, Malaysia, Thailand, Singapore, South Korea, Yemen and Saudi Arabia.

[80] Pirate leaders, investors, negotiators, support networks and beneficiaries.

Failure to prosecute: conflicting interests?

27. Only the United States has so far prosecuted individuals alleged to have played leadership roles in Somali piracy: Mohammad Saaili Shibin was convicted an sentenced by a U.S. Federal Court in April 2012 for his role as a negotiator in the case of the SV Quest; another alleged pirate negotiator, Ali Mohamed Ali, is in detention in the U.S. awaiting trial. Yemen also convicted and jailed a senior Somali pirate leader, Fu'aad Warsame Seed (a.k.a. Fu'aad 'Hanaano'), together with several of his associates, in October 2009, but it is unclear whether the Yemeni authorities were aware of his leadership role at the time of his conviction.

28. Most other countries, however, have been less eager to investigate and prosecute criminal cases. Greece for example, which reportedly owns more ships than any other country in the world, could have initiated investigations in at least 22 hijacking cases, but has so far chosen not to do so. The United Arab Emirates hosts a large Somali diaspora population and is involved in extensive and direct maritime trade with Somalia; Somali pirates and associates operate in the UAE and ransom proceeds are being laundered through UAE-based financial institutions. The UAE authorities could claim criminal jurisdiction in at least 13 hijacking cases, but have only prosecuted one.[81]

29. The most interesting and important case is arguably that of the United Kingdom (UK), which has exercised leadership in global efforts to eradicate the problem of Somali piracy and has recently committed itself, along with the Netherlands and Seychelles, to establish a Regional Anti-Piracy Prosecutions Intelligence Co-ordination Centre (RAPPICC) based in the Seychelles. The UK has greatly contributed to all existing counter piracy naval task forces[82] and hosts the operational headquarters for EU (Atalanta) and NATO (Ocean Shield) in Northwood, London. The Royal Navy operates the UK Maritime Trade Operations (UKMTO) office in Dubai to ensure the safe transit of trade in the area, to act as the primary point of contact for merchant vessels and to liaise with military forces active in the region. In February this year the UK has organized a high level and worldwide discussed conference on Somalia in London, with piracy high on the agenda.

30. Conversely, the UK has failed to pursue law enforcement investigation against alleged Somali pirates and their associates in at least 6 different opportunities where it has potential criminal jurisdiction.[83] Furthermore, the British Government has blocked UN Security Council efforts to designate senior Somali pirate leaders for targeted sanctions, apparently at the behest of powerful domestic interests in shipping, crisis and risk management consultancies, maritime law and insurance, and private maritime security companies (PMSCs) who indirectly derive significant profits from the Somali piracy phenomenon.[84] These enterprises, which predominate with respect to Somali hijacking

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[81] On 22 May 2012 the U.A.E. convicted 10 pirates to 25 years of prison for attacking and hijacking the U.A.E. owned bulk carrier 'Arrilah-I' on 1 April 2011.

[82] CMF-CTF151, EU (Atalanta) and NATO (Ocean Shield).

[83] Malaspina Castle on 6 April 2009, UK owned; Al Khaliq on 22 October 2009, UK owned; Lynn Rival on 23 October 2009, 2 British nationals; St. James Park on 28 December 2009, UK flagged and operated; Asian Glory on 01 January 2010, UK flagged, owned and operated; Talca on 23 March 2010, UK owned and operated.

[84] http://www.ft.com/cms/s/0/7b63413c-a31a-11df-8cf4-00144feabdc0.html#axzz1vt0VcC54; http://www.bbc.co.uk/news/world-africa-10917961.

cases, also possess much valuable information and intelligence on Somali pirate groups, negotiators and networks - including details of financial and communication arrangements. This information is rarely, if ever, released for the purposes of criminal prosecution or the imposition of targeted sanctions, whether inside or outside the UK,[85] raising serious questions and concerns, especially when UK residents or nationals are found to be involved in Somali piracy activities.[86]

31. The UK Government's ambivalent posture with respect to Somali piracy is illustrative of a more general international reluctance to tackle Somali piracy as a form of international organized crime, rather than as a sui generis product of Somali statelessness requiring custom-made military and custodial responses. Unless and until this attitude changes, international counter piracy efforts will continue to treat the symptoms of Somali piracy rather than the cause.

Countering Impunity: the case against criminalization of ransom payments

32. Broadly speaking, international attitudes towards the payment of ransom are divided between those who seek to criminalize the practice and those who perceive it as necessity to allow ship-owners and operators to recover hijacked vessels and captive crewmembers. This impasse creates a climate of uncertainty, in which a multiplicity of actors involved in ransom negotiations and payments (including ship owners and operators, crisis and risk management firms and private security companies) are reluctant to share information relating to piracy for fear that it might eventually be used against them for the purposes of prosecution or sanctions.

33. On several occasions in the recent past, United States Government officials and lawmakers have expressed their support for the introduction of measures that would discourage, or ban outright, payments to Somali pirates.[87] In April 2010, the U.S. issued Executive Order 13536[88] and at the same time listed two well known and influential Somali pirate leaders,[89] raising fear within the shipping industry and associated private sector actors that future payment of ransom could potentially expose them to prosecution.[90] When questioned about the issue, the U.S. Office of Foreign Asset Control (OFAC) reportedly stated that unless a U.S. person or entity was involved it would take no further action.[91] Furthermore, the U.S. Government has taken no action against U.S. entities engaged in ransom payments to Somali pirates since the Executive Order was issued more than two years ago.[92]

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[85] As appeared in meetings and communications with UK law firms, private risk and security companies in Nairobi, Dubai and London.

[86] Concerns which the Monitoring Group found in part to have been addressed in the 10th report from the House of Commons Foreign Affairs Committee of session 2010-12 - Piracy off the coast of Somalia and published on 5 January 2012.

[87] http://www.kirk.senate.gov/pdfs/KirkReportfinal2.pdf; http://www.cbsnews.com/8301-503544_162-4952864-503544.html?tag=contentMain;contentBody; http://www.state.gov/t/pm/rls/rm/191603.htm.

[88] U.S. Executive Order 13536 concerning Somalia, released on 13 April 2010, with the purpose of blocking property of certain persons contributing to the conflict in Somalia. The Order prohibits the making of any contribution or provision of funds to or for the benefit of a blocked individual.

[89] Abshir Abdullahi 'Boyah' and Mohamed Abdi Garaad, both listed by the U.S. Office of Foreign Asset Control (OFAC).

[90] Ransom payments are almost exclusively made in US$, and therefore subject to U.S. legislation.

[91] http://uk.reuters.com/article/2011/08/08/uk-somalia-piracy-ransoms-idUKTRE7772CY20110808.

[92] Including, for example, ransom paid (reportedly around US$ 7 million) for the release of the 10 December 2010 hijacked U.S. owned and operated MSC Panama.

34. Nevertheless, the British Government decided to place a technical hold on an April 2010 U.S. proposal to also sanction pirate leaders under Security Council Resolution 1844 in order to ensure that ransom payments remain legal[93] - apparently in deference to concerns raised by elements of Britain's influential shipping and counter piracy industries.[94] The UK's technical hold against designation of pirate leadership by the Security Council has remained in force until to date.

35. The debate over criminalization of ransom payments is unlikely to be resolved any time in the near future. In the meantime, the international stalemate on the issue means that ransom payments continue, piracy – (and some aspects of counter piracy) remains highly profitable, and most pirate kingpins – unlike the foot soldiers – can be confident that they will never face prosecution or UN sanctions. This climate of impunity is reinforced by the general reluctance of States to pursue criminal investigations within their national jurisdictions, as described above, and the culture of secrecy practised by parties involved in the payment of ransoms.

36. Based on its long experience of investigating all aspects of Somali piracy, the Monitoring Group believes that, pending international consensus on the question of criminalizing ransom payments, the UN Security Council and the U.S. Government (OFAC) should both clarify that the payment of ransom to Somali pirates, in return for the release of human victims, is a form of extortion and would not be considered a sanctionable offence. This would potentially have at least three positive effects:

a) It would permit the UK to review its technical hold on the Security Council's proposed designation of Somali pirate leaders, potentially opening the way for targeted measures to be implemented against them;
b) It would allay concerns within the shipping, crisis and risk management consultancy and private security industries relating to possible prosecution or sanctions, and therefore facilitate a freer exchange of piracy-related information with law enforcement agencies and sanctions monitoring teams;
c) Enable national authorities to more methodically and effectively pursue cases – ideally in close coordination with UN sanctions cases -- against pirate leaders, financiers and facilitators.

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[93] The UK's legal system reportedly does not have a defence of duress, meaning that prosecutions could occur even when payment was made to save lives. However, UK companies or individuals involved in paying ransom money to pirates have never been prosecuted.

[94] http://www.publications.parliament.uk/pa/cm201012/cmselect/cmfaff/1318/131807.htm.

Annex 4.2.: Kidnap for Ransom (KFR)

1. The declining success of Somali pirate operations at sea during 2011 coincided with more frequent kidnapping for ransom (KFR) on land, a trend that apparently accelerated on 11 September 2011 when UK national Judith Tebbutt was attacked and abducted by Somali armed men from a beach resort in northern Kenya. Tebbutt was transferred by her original kidnappers into the hands of other groups, and she was eventually delivered into the custody of pirates in central Somalia.

2. Following Tebbutt's abduction, four more kidnappings took place between October 2011 and January 2012, at various locations in Kenya and Somalia, and under quite different circumstances. Some of the hostages were handed over or sold to Shabaab affiliated groups or individuals, but all eventually ended up in the hands of Somali pirates associated with the Hobyo-Harardheere piracy network (HHPN), and held in areas nominally controlled by either the Gaalmudug or 'Ximan iyo Xeeb' administrations.[1] The identities of some of the initial attack groups, abductors and organisers remain obscure or unknown.

Judith Tebutt (11 September 2011 – 21 March 2012)

3. NORTHERN KENYA, KIWAYU ISLAND, SUNDAY 11 SEPTEMBER 2011, 0400AM[2]: UK nationals Judith Tebbutt and her husband David[3] were reportedly spending their first night on vacation at the Kiwayu Safari Village resort near Kiwayu Island, when attacked in their lodge by six Somali gunmen. Responding to the attack, David Tebutt was shot in the chest and died at the scene. Judith Tebbut was taken to a waiting speedboat and brought to Somalia the same night. Multiple sources confirmed that Tebbutt was initially taken to the Al-Shabaab-controlled port city of Kismaayo,[4] which led observers to believe that the movement had plotted her abduction. However, on several occasions Al Shabaab denied its involvement[5] and in time Tebbutt was transferred or sold on to a pirate group active in and around Harardheere. Although moved to different locations by her abductors or guards to avoid detection, Tebbutt is believed to have mainly been held in the vicinity of Cadaado, where she was released from custody on 21 March 2011 after a payment of ransom reported to have been approximately US$ 1 million.

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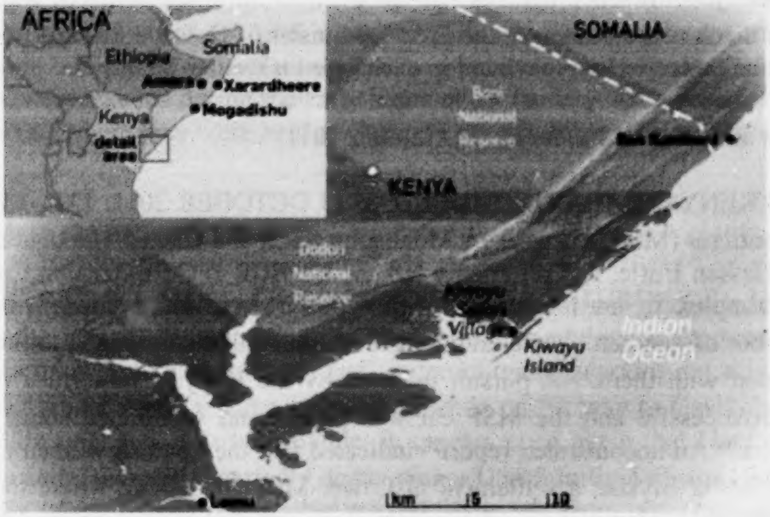
[1] In Mudug region, Somalia.

[2] http://www.telegraph.co.uk/news/worldnews/africaandindianocean/somalia/9159362/Judith-Tebbutt-to-fly-home-today-after-ransom-paid.html.

[3] 56 and 58 years old respectively at the time of the incident.

[4] Including information obtained from a credible Somali source in Nairobi on 2 October 2011.

[5] http://presstv.com/detail/199134.html;
http://af.reuters.com/article/kenyaNews/idAFL5E7KE1E020110914?pageNumber=1&virtualBrandChannel=0.



Marie Dedieu (01 October 2011 – 19 October 2011)

4. NORTHERN KENYA, MANDA ISLAND, SATURDAY 01 OCTOBER 2011, 0300AM[6]: French national Marie Dedieu[7] and her Kenyan partner John Lepapa ole Moiyio[8] had just returned from a trip in France[9] when at night they were attacked and overpowered by 6 Somali gunmen in their house on Manda Island,[10] near the tourist town of Lamu. John Lepapa who escaped the assault and went for help could not prevent the disabled woman taken out of her house and lifted into a waiting speedboat.[11] The attackers then fled Manda Island and headed for Somalia. A pursuit initiated by the Kenyan Defence Forces proved unsuccessful and a local private air charter company tried to monitor the group's movements' but could do little more then determine that Dedieu had been taken ashore in the vicinity of Raas Kaambooni, Lower Juba region, just across the Kenyan-Somalia border.[12] From there, Dedieu was taken to the Al-Shabaab-controlled port town of Kismaayo, where her presence on 6 October 2011 was confirmed by multiple independent sources. However, less than two weeks later, Dedieu, who was a paraplegic and reportedly suffered from other serious health issues, was declared to have died in captivity, since medical supplies that the French Government had tried to deliver to her

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[6] According to Kenyan deputy police spokesman Charles Owino, http://news.sky.com/home/world-news/article/16080991.

[7] 66 years old and disabled. Reportedly injured in a car accident during the early 1970's and confined to a wheelchair since.

[8] 38 years old at the time of the incident.

[9] They reportedly returned that day on Friday, 30 September 2011.

[10] Approximately 96 Km from the Kenya-Somalia border.

[11] The wheelchair Ms. Dedieu was using was not taken along by her abductors.

[12] As confirmed by Kenyan Minister of Tourism Najib Balala, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/kenya/8801419/Kenyas-northern-coast-put-off-limits-to-Britons-after-second-kidnapping-in-under-a-month.html; http://www.ft.com/intl/cms/s/0/676e4dea-eddb-11e0-a491-00144feab49a.html#axzz1vc43hI8p.

captors had apparently not reached her.[13] A ransom demand never materialized while she was alive, but a day after her death was announced, the French Minister of Defence, Gerard Longuet, confirmed that the hostage-takers were seeking payment in exchange for Dedieu's body.[14]

Montserrat Serra and Blanca Thiebout (13 October 2011)

5. NORTHERN KENYA, DADAAB, THURSDAY 13 OCTOBER 2011, 1315-1330PM[15]: Spanish Médecins sans Frontières (MSF) aid workers Montserrat Serra and Blanca Thiebout and Kenyan MSF driver Mohamed Hassan Borle, had reportedly left the UNHCR IFO2 Extension Camp – part of the Dadaab refugee complex in north-eastern Kenya[16]- when their 4X4 vehicle was ambushed and attacked by a number of gunmen.[17] After shooting Borle, the gunmen escaped to Somalia, taking the car and both women with them.[18] A pursuit initiated by the Kenyan authorities on land and with helicopters was unsuccessful and the MSF car was later found abandoned some 19 km from the border with Somalia.[19] An unconfirmed report[20] indicated that the Spanish women may have initially been brought to Elaasha Biyaha, a settlement in Lower Shabelle region, where they were possibly handed over or sold to local members of Al-Shabaab.[21] They were last reported sighted in Lower Shabelle region in December 2011,[22] but were reportedly resold and transferred to a pirate group in Harardheere, Mudug region, in early January 2012.[23] They are believed to have been held in the area ever since.

Poul Hagen Thisted and Jessica Buchanan (25 October 2011 – 25 January 2012)

6. NORTH-CENTRAL SOMALIA, GAALKA'YO-SOUTH, TUESDAY 25 OCTOBER 2011, 1500PM[24]: Danish Demining Group[25] aid workers Poul Hagen Thisten (Denmark), Jessica Buchanan (USA)[26] and a Somali colleague, were heading to Gaalka'yo airport in a three vehicle SPU protected convoy when attacked and abducted by a at least ten armed militiamen. It soon emerged that the attack had been masterminded by a Harardheere pirate group and executed by associated gunmen in

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[13] Confirmed in a statement by French Minister of Foreign Affairs, Alain Juppé on 19 October 2011; http://www.aljazeera.com/news/africa/2011/10/2011101985710861622.html.

[14] http://www.francesoir.fr/actualite/faits-divers/mort-marie-dedieu-longuet-confirme-intentions-des-ravisseurs-148954.html.

[15] http://www.guardian.co.uk/world/2011/oct/13/aid-workers-kidnapped-kenyan-camp.

[16] Located some 80-100 Km from the Kenya-Somalia border.

[17] Reports suggest that three gunmen ambushed the MSF vehicle.

[18] The driver was reportedly shot during the incident and brought to the hospital where is was later recovering.

[19] http://www.globalpost.com/dispatches/globalpost-blogs/africa-emerges/kenya-news-kenya-pursue-islamic-extremists-somalia.

[20] 22 October 2011.

[21] http://www.somaliareport.com/index.php/post/1820.

[22] As confirmed by multiple independent sources: http://www.somaliareport.com/index.php/post/2202; http://www.somali.msf.org/2012/04/six-months-after-the-abduction-of-blanca-thiebaut-and-montserrat-serra/.

[23] http://www.somaliareport.com/index.php/post/2485.

[24] http://www.voanews.com/english/news/africa/Somali-Gunmen-Kidnap-3-Aid-Workers-132545563.html.

[25] Humanitarian mine action and armed violence reduction unit in the Danish Refugee Council (DRC).

[26] Reportedly 60 and 32 years old; http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/briefingkit-31c0b3edf566abdc1b8ed70b33d26de0.pdf.

conspiracy with the security team accompanying the hostages.[27] Within a week following the kidnapping ransom demands between US$ 9 and 12 million were aired in the media. Thisten and Buchanan, who were initially taken to Harardheere area but then regularly shuttled to other locations to avoid detection, were rescued during the early hours of 25 January 2012, when a team of US Navy Seals raided the house where they were held in Cadaado district. Eight or nine pirates were reportedly killed.[28]

Michael Scott Moore (21 January 2012)

7. NORTH-CENTRAL SOMALIA, GAALKA'YO-SOUTH, SATURDAY 21 JANUARY 2012[29]: Four days before the rescue of pirate hostages Poul Thisten and Jessica Buchanan, Michael Scott Moore,[30] a dual German/American national and writer/journalist working on a book about Somali piracy, was reportedly abducted by some 15 gunmen while on his way to Gaalka'yo airport to meet with a friend.[31] With only few details available, it appears once again that Harardheere pirates are responsible for the abduction and reportedly demanding a US$ 8 million ransom for Moore's release. Moore was initially taken to Harardheere, but moved frequently from one place to another to avoid detection, especially because of fears of another US military rescue operation. At the end of January 2012, he was reportedly held near Xinlabi in Hobyo District, some 85 km from Harardheere. On 18 May 2012 pirates recorded and released a video footage of Moore in captivity warning that if there were no answer to the payment of the ransom within three days, he would be sold to Al-Shabaab.[32]

Linkages between piracy and kidnapping for ransom

8. Two explanations have been commonly advanced to explain the recent surge in kidnapping for ransom. One, cited by Kenya as justification for its October 2012 military incursion into Somalia, accuses Al-Shabaab of cross-border abductions. Al-Shabaab, however, immediately and categorically denied these allegations,[33] and – with the exception of Marie Dedieu, whose ultimate destination remains a matter of speculation – none of the hostages appear to have ended up in Al-Shabaab custody.

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[27] The Somali colleague was released shortly after the kidnapping.

[28] http://www.nytimes.com/2012/01/26/world/africa/us-raid-frees-2-hostages-from-somali-pirates.html?pagewanted=all; http://www.somaliareport.com/index.php/post/2616/_Jessica_Buchanan_and_Poul_Thisted_Rescued; http://www.washingtonpost.com/world/national-security/us-forces-rescue-kidnapped-aid-workers-jessica-buchanan-and-poul-hagen-thisted-in-somalia/2012/01/25/gIQA7WopPQ_story.html.

[29] Daytime.

[30] Believed to be in his early 40's.

[31] http://www.somaliareport.com/index.php/post/2584.

[32] http://www.youtube.com/watch?v=cmMJCPHm-BI.

[33] http://kismaayonews.com/2011/10/17/alshabaab-warns-kenyan-public/.

9. Other observers cite the declining success rate of Somali pirates at sea as the explanation for the sudden rise in abductions on land.[34] However, hostages have so far only ended in the custody of pirates from the Hobyo-Harardheere piracy network (HHPN), whose success rate had not yet declined at the time of the first abductions in 2011.[35] It is therefore not possible to establish a causal relationship between the two, although there is little doubt that declining ransom revenues from hijacked vessels are pushing pirates to diversify their activities.

10. Preliminary analysis suggests that the abduction of foreigners across the border in Kenya has likely been initiated by southern Somalia-based freelance criminals with close ties to Al-Shabaab, pirate militias, or both.[36] Clan connections may have facilitated the rapid onward 'sale' or transfer of the hostages.[37] Since pirates have immediate cash available, long-standing experience with hostage situations and expertise in negotiations, it is not surprising that hostages ultimately end up in their custody.

11. The direct involvement of a Harardheere pirate group in the kidnapping and ransoming of foreigners on land since October 2011 may be partly explained by declining ransom revenues at sea. However, while abductions on land require less elaborate logistical and operational arrangements than hijackings at sea, they involve some major disadvantages: resistance from local elders and communities, higher vulnerability to external attacks[38] requiring constant movement, longer and more difficult negotiations and less attractive ransom payments.[39] The Monitoring Group therefore believes that it is premature to describe KFR as a rising trend, but rather as a development to be closely monitored and studied.

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[34] http://www.thedailybeast.com/articles/2012/01/31/somalia-pirates-adopt-troubling-new-tactics.html;
http://www.realclearworld.com/articles/2011/11/16/somali_pirates_widen_their_net_99761-2.html;
http://www.dailymail.co.uk/news/article-2038345/Judith-Tebbutt-kidnapping-Kenya-treacherous-place-getting-worse.html.

[35] In comparison to 2010.

[36] Especially with sea operations becoming more difficult.

[37] The 2 Spanish MSF workers were reportedly sold by Al-Shabaab affiliates to Harardheere pirates for US$ 200.000,00; http://www.globalpost.com/dispatches/globalpost-blogs/africa-emerges/kenya-news-shabaab-sold-doctors-without-borders-hostages-.

[38] Of other pirate groups, foreign military (E.g. DDG workers USA rescue operation) or local administrations.

[39] Usually raised by private initiatives or charity.

Annex 4.3.: Indian Ocean Network (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 4.4.: Movement of piracy proceeds offshore (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 5

Violations of the general and complete arms embargo

Annex 5.1.: Violations of the arms embargo by air and related incidents

1. The number of reports of aircraft delivering passengers and cargo to Al-Shabaab-controlled areas decreased during the Monitoring Group's current mandate, with only 7 reports between late October and mid-December 2011, in comparison with 20 reports received during the previous Monitoring Group's mandate. However, as in the past, the Monitoring Group's efforts to investigate these cases have been hampered by lack of access to south and central Somalia, absence of radar coverage and lack of effective regulation and control of airspace by neighbouring countries.[1]

2. At the time of writing, Al-Shabaab controlled one "international" airport with an asphalt airstrip (Kismaayo), one former military air force base with an asphalt airstrip (Bale Dogle) and 18 small and medium-sized airfields in South and Central Somalia (see table below).

3. In addition to reports of arms embargo violations by air, the Monitoring Group has also documented several incidents involving disregard of international civil aviation regulations concerning the transportation of weapons on internal flights by senior officials of the Transitional Federal Government.

Arms embargo violations by air

4. On 29 October 2011, a member of the Transitional Federal Parliament, Muhamud Abdullahi Waliye "Waqa", declared to Radio Gaalka'yo that a plane carrying arms from Eritrea had landed the same day at Baidoa International Airport.[2]

5. 'Waqa's' allegations were echoed by an intelligence report from a military source, stating: "it's confirmed that flight carrying AA [anti-aircraft weapons] for AS in Baidoa did landed [sic] on the evening of Saturday [29 October 2011] at around 17-17:45hrs," and that the passengers of two vehicles from the Al-Shabaab regional office in Baidoa boarded the return flight.

6. A second report, compiled by a security-related organisation, asserted that "a cargo civilian plane medium size landed in Baidoa airstrip carrying military supply" on 30 October 2011 at 1430 local time; according to the author, "the plane was on ground for 130hrs", and "a very high number of anti-aircraft guns supply" were offloaded "in a speedy condition [by] a very big number of AS militia".

7. On November 1st, Kenyan Defence Force spokesman Emmanuel Chirchir issued a statement: "On 1 November 2011, we reliably confirmed that two aircraft landed in Baidoa with arms consignment intended for Al-Shabaab".[3] The next day he issued a second statement: "We can

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[1] S/2011/433, paragraphs 145 to 148.

[2] "Plane carrying arms for Islamists said arrives in south-western Somalia", BBC Monitoring citing Radio Gaalkacyo, 30 October 2011.

[3] Josh Kron, "Arms Flying Into Somalia for Militants, Kenya Says", The New York Times, 1 November 2011; "Two planes fly arms to Al-Shabaab", Daily Nation, 1 November 2011.

positively confirm that another aircraft with weapons has landed in Somalia".[4] On 8 November 2011, the Government of Kenya wrote a letter to the Chair of the Security Council Committee on Somalia and Eritrea, drawing upon these reports, and asserting: "Available information indicates that the arms emanated from Eritrea".[5] Both the Eritrean government and Al-Shabaab rejected these allegations.[6]

8. An international organization with contacts on the ground in Baidoa confirmed to the Monitoring Group the forced displacement of population from the airport perimeter on those dates, but denied that any aircraft had landed. Officials of three foreign governments with access to their own internal intelligence reports also separately shared with the Monitoring Group their assessments that no flights to Baidoa had taken place on those dates.

9. On the basis of information received, the Monitoring Group believes that the Al-Shabaab administration in Baidoa did indeed give instructions or IDPs to leave the vicinity of the airport compound, suggesting that some flights may have been expected. However, the Monitoring Group has found no evidence to substantiate the allegations that one or more aircraft landed at Baidoa International Airport between 29 October and 3 November 2011, or that Eritrea supplied by air Al-Shabaab in Baidoa with arms and ammunition during the same period.

10. The Monitoring Group has on several occasions requested that the Kenyan government provide the Monitoring Group with evidence substantiating its claims that "during the first week of November 2011 three planes landed in the Somalia town of Baidoa".[7] To date, however, no reply has been forthcoming.

Incidents related to armed escorts

11. In past reports, the Monitoring Group has described transportation of arms, ammunition and/or fighters within Somalia by foreign aircraft to as potential violations of the arms embargo, in part because they usually related to armed opposition groups. During the current mandate, all such reports have related to flights on behalf of the TFG.

12. According to international regulations, aircraft passengers may only transport unloaded firearms in a locked, hard-sided container or as checked baggage; all firearms, ammunition and firearm parts, including firearm frames and receivers, are prohibited in carry-on baggage.[8] Introduction on board an aircraft of a weapon without prior agreement of all States involved is considered by the Chapter one

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[4] Peter Leftie, "Shabaab gets third planeload of arms", Daily Nation, 2 November 2011.

[5] Letter referenced KMUN/POL/DIP/15 dated 8 November 2011.

[6] "Eritrea denies sending arms to al-Shabab", Al-Jazeera, 2 November 2011; according to Josh Kron in the New York Times, op. cit., Al-Shabaab spokesman, Ali Mohamud Rage, stated that his organization has "nothing to do with Eritrea", adding that "we take our weapons from the African Union".

[7] Meetings with Kenyan officials on 3 and 22 December 2011, and official correspondence referenced S/AC.29/2012/SEMG/OC.87.

[8] Travel of armed personnel, as for in-flight security officers, can be specially authorised "only after agreement by all States involved", and in this case the pilot has to be notified as to the number of armed persons and their seat location; Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference, Annex 17 to the Convention on International Civil Aviation, Chapter 4, Paragraph 4.7.

of Annex 17 to the Chicago Convention as an act which "may or do jeopardize the safety of aircraft or of persons or property therein or which jeopardize good order and discipline on board".

13. On 17 February 2012, at the conclusion of the second national constitutional conference held in Garowe, the TFG President Sheikh Ahmed Sheikh Sharif requested that the UN SRSG, Ambassador Augustine Mahiga, authorize a change of itinerary of the aircraft chartered by UNSOA on his behalf, to fly the President and his entourage to Djibouti instead of Mogadishu.

14. Since the contract between UNSOA and the operator of the aircraft did not permit such a change, the SRSG communicated this negative decision directly to President Sharif. Sheikh Sharif and his entourage nevertheless boarded the Kenyan-registered aircraft and requested the pilot to fly to Djibouti instead. Since Sheikh Sharif's security detail was carrying side arms and loaded Kalashnikov-pattern assault rifles, the crew immediately informed UNPOS officials present in Garowe both of the attempt to divert the flight to Djibouti, and of the presence on board of heavily armed personnel in contravention of civil aviation regulations.

15. Although the TFG delegation eventually agreed to return to Mogadishu, the crew and the ground personnel were unable to proceed with the screening of the checked baggage, which is mandatory for safety reasons (with the exception of the personal luggage of the TFG President), or to lock in sealed containers the assault rifles and side arms carried by the President's entourage.

16. The use of foreign-registered aircraft to transport weapons and armed personnel within Somalia potentially constitutes a violation of the sanctions regime. Moreover, according to the Convention on International Civil Aviation, article 17, "aircraft have the nationality of the State in which they are registered."[9] Kenyan-registered aircraft are therefore considered to be Kenyan territory and the Government of Kenya therefore "competent to exercise jurisdiction over offences and acts committed on board". In fact, the Convention requires the State of registration to "take such measures as may be necessary to establish its jurisdiction over offenses committed on board".[10] In this case, the Government of Kenya would therefore be justified in seeking redress against the offenders, either through legal or diplomatic means.

17. On 29 March 2012, a similar incident occurred with the security personnel accompanying the TFG Primer Minister during the boarding of a Sudanese-registered helicopter chartered by the TFG to fly from Mogadishu to Baidoa. Here again, the operator refused to allow armed personnel carrying loaded assault rifles to board the aircraft and requested that the entourage of the Prime Minister first remove the magazines and lock the firearms, in accordance with international regulations.

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[9] ICAO, Convention on International Civil Aviation [Chicago Convention], Ninth Edition, Doc 7300/9, 2006, page 9.

[10] ICAO, Convention on Offences and Certain Other Acts Committed On Board Aircraft [Tokyo Convention], Article 3, 14 September 1963.

Table: Updated list of Somali Airfields controlled by armed opposition groups[11]

AIRFIELD	SURFACE	LENGTH	REGION	DISTRICT	ICAO/CACAS CODE
BALEDOGLE	Asphalt	2482	LOWER SHABELE	WANLA WEYN	HCIX
BARDERA	Gravel	1277	GEDO	BARDERA	HCMD
BUALE	Red clay	1000	MIDDLE JUBA	BUALE	HCBU
BURDUUBO	Murram gravel like soil	1000	GEDO	GARBAHARE	
BUULO BURTI	Murram gravel like soil	1000	HIRAN	BULO BURTI	
DINSOR	Red sandy soil	800	BAY	DINSOR	HCDN
ELDERE	Murram gravel like soil	800	GALGADUG	EL DER	HCED
ESALEIGH		2400	BANADIR	MOGADISHU	HCMT
GIALALASSI	Dirt	1000	HIRAN	JALALAQSI	
HARADERA	Sand and Dirt	1000	MUDUG	HARARDHERE	
JAMAMME	Hard packed coral	900	LOWER JUBA	JAMAME	HCJM
JILIB		1100	MIDDLE JUBA	JILIB	HCJL
JOWHAR	Loose Gravel	1800	MIDDLE SHABELE	JOWHAR	HCJH
KISMAYO	Asphalt	3700 (-450)	LOWER JUBA	KISMAYO	HCMK
K50	Hard Packed Sand	1850	LOWER SHABELE	AFGOYE	HCMW
MARERRE	Murram gravel like soil	1092	MIDDLE JUBA	JILIB	
MERKA	Coral Sand/gravel	1600	LOWER SHABELE	MARKA	HCEM
SACCO UEN	Red Clay	1000	MIDDLE JUBA	SAKOW	HCSU
TIEGLO	Hard Gravel	1000	BAKOL	TIEGLO	HCTY
WAJID	Packed sandy gravel	1400	BAKOL	WAJID	HCWJ

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[11] Source: ICAO, WFP, FAO/FSAU.

Annex 5.2.: Foreign Military Operations in Somalia

1. During the course of the mandate Ethiopia, Kenya and Djibouti have all conducted bilateral large-scale military deployments to Somalia and operations on Somali territory. These operations have generally been undertaken with the consent – whether explicit or tacit – of the TFG, but without prior authorization from the Committee. The Monitoring Group considers any such deployment, involving armed personnel, vehicles, aircraft operations and military supplies, to constitute a potential violation of the general and complete arms embargo on Somalia.

2. Similarly, Unmanned Aerial Vehicles (UAVs) routinely operate in Somali airspace. Although the United States Government has officially informed the Monitoring Group that it provided "a small number of Unmanned Aerial Systems to AMISOM",[1] AMISOM has expressed its concern about unidentified UAV operations in Mogadishu in an official letter sent to its main partners in February 2012.[2]

AMISOM's updated strategic concept of operations

3. On 5 January 2012, the Peace and Security Council of the African Union held its 306th meeting in Addis Ababa, Ethiopia and adopted AMISOM's new strategic concept of operations, which includes the following: [3]

   (a) Increase of UN-supported armed personnel from 12,000 to 17,731;
   (b) Deployment of Djiboutian troops and "re-hatted Kenyan troops";
   (c) Extension of AMISOM's area of operations to four sectors, including the areas "liberated" by the Ethiopian army "in view of the urgency of the stated intent of Ethiopia to withdraw from those areas".

4. AMISOM's strategic concept of operations was endorsed on 22 February by Security Council resolution 2036 (2012). The resolution expresses "its appreciation for the newly deployed troops from the Government of Djibouti" and welcomes "the willingness of the Government of Kenya for Kenyan forces to be incorporated into AMISOM". It also authorizes AMISOM to establish a presence "in the four sectors set out in the AMISOM strategic Concept of 5 January", and approves an increase of the force's strength to 17,731, as proposed by the African Union.

5. However, resolution 2036 (2012) also stresses that "all new troops shall be integrated fully into the AMISOM command and control structures", and requests the African Union to keep the Security Council informed with respect to the implementation of AMISOM's mandate "and on the new command and control structure and integration of forces under this structure."

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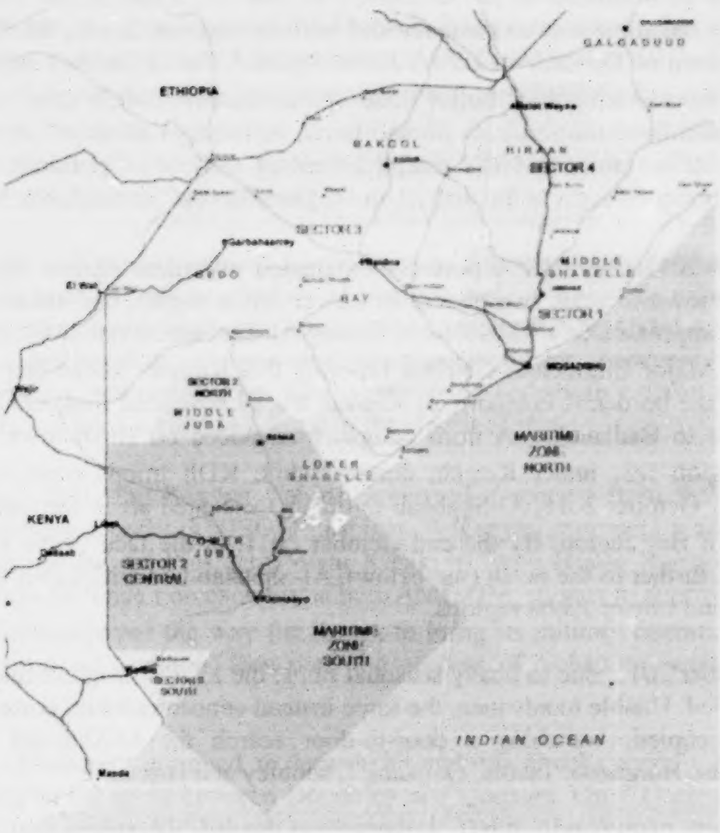
[1] Letter to the Monitoring Group, 7 May 2012.

[2] Letter from AMISOM Force Commander, 21 February 2012.

[3] PSC/PR/COMM.(CCCVI), 5 January 2012.

AMISOM Sectors


GALGADUUD
ETHIOPIA
BAKOOL
HIRAAN
SECTOR 4
SECTOR 3
GEDO
BAY
MIDDLE SHABELLE
SECTOR 1
MOGADISHU
SECTOR 2 NORTH
MIDDLE JUBA
LOWER SHABELLE
MARITIME ZONE NORTH
KENYA
LOWER JUBA
SECTOR 2 CENTRAL
Kismayo
MARITIME ZONE SOUTH
SECTOR 2 SOUTH
INDIAN OCEAN

Kenyan military operations in Somalia: Operation 'Linda Nchi'

6. Kenya's current military intervention in Somalia was preceded by a secret operation named "Operation Linda Mpaka" in early 2010.[4] According to the Kenyan Defence Forces (KDF), the operation was aimed at preventing "Al-Shabaab, pirates and contraband from entering the country [Kenya]."[5] Although not stated as an objective, the operation also acted to curb the movement of Somali refugees into Kenya.

7. "Operation Linda Nchi"[6] was launched on 16 October 2011 as a "joint Kenyan-Somali operation", ostensibly in response to a spate of cross-border kidnappings from Somalia, although

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[4] See Attachment 5.2.a. for "Operation Linda Mpaka" operations map.

[5] Restricted Directorate of Military Intelligence document obtained by the Monitoring Group.

[6] Kiswahili for "Protect the Nation".

evidence suggests that KDF may have been planning this operation as far back June 2011.[7] Invoking the nation's right to self-defence under Article 51 of the UN Charter, the Kenyan Government deployed an infantry battalion with air, armour and artillery support, across the Somali border from Liboi, entering the town of Doobley in Lower Jubba region.[8] The operation's objectives include the establishment of a secure, temporary buffer zone approximately 100km deep inside Somalia; the removal of Al-Shabaab from the southern Somali ports, including Kismaayo, from which the group generates much of its revenue; and the establishment of inclusive "political and administrative arrangements in the liberated areas at the district and regional levels" in the Jubba Valley.[9]

8. On 20 October 2011, the KDF reportedly conducted airstrikes against alleged Al-Shabaab's positions around the town of Raas Kaambooni in Lower Jubba region, and subsequently entered the town with a force of approximately 300 soldiers, forcing Al-Shabaab to flee.[10] On 21 October, Kenyan military spokesman Major Emmanuel Chirchir reported that Kenyan forces had secured Oddo and Kolbio towns along the border. A company of Kenyan troops advanced from Oddo to Burgaabo and another from Kolbio to Badhaadhe. A third company advanced on Hayo town.[11] On 27 October, Busaar in Gedo region was under Kenyan control while KDF troops continued to advance on Buurahache[12]. On 31 October 2011, Al-Shabaab militants evacuated areas surrounding the airstrip in Baidoa, the capital of Bay region. By the end October 2011, in the face of the KDF's advance and Ethiopian incursions further to the north (see below), Al-Shabaab had withdrawn from parts of Gedo, Bay, Middle Jubba, and Lower Jubba regions.

9. In early November 2011, due to heavy seasonal rains, the KDF's progress into southern Somalia slowed and then stalled. Unable to advance, the force instead concentrated on consolidating its control of areas already occupied, launching a door-to-door search for Al-Shabaab militants in Raas Kaambooni, Munarani, Burgaabo, Taabta, Qoqaani, Dhoobley and Busaar.[13]

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[7] Restricted Directorate of Military Intelligence document obtained by the Monitoring Group that cites a reference to an "Annex A to C Brief, June 2011".

[8] http://newsone.com/world/associatedpress3/kenyan-army-invades-somalia.

[9] "Communique of the 20th Extra-Ordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in Somalia, the Republic of South Sudan, IGAD Minimum Integration Plan and Piracy off the Coast of Somalia", Addis Ababa, Ethiopia, 27 January 2012.

[10] http://www.raxanreeb.com/?p=115892 http://www.shabelle.net/article.php?id=11743"Kenya Reportedly Didn't Warn U.S. of Somalia Incursion," New York Times, October 20, 2011; http://www.nytimes.com/2011/10/21/world/africa/americans-given-no-warning-of-kenyas-march-into-somalia-officials-say.html.

[11] "US Planes Join Kenyan Battle," Daily Nation, October 22, 2011. Available: http://www.nation.co.ke/News/US+planes+join+Kenyan+battle/-/1056/1260028/-/159de5/-/
"Kenya Sends More Troops to Somalia, 10 AU Soldiers Killed," Reuters, October 21, 2011. Available: http://www.reuters.com/article/2011/10/21/us-kenya-somalia-idUSTRE79K5TQ20111021.

[12] "9 Shabaab Men Killed in Battle with Kenyan Army," Daily Nation, October 27, 2011. Available: http://www.nation.co.ke/News/9+Shabaab+men+killed+in+battle+with+Kenya+army+/-/1056/1262996/-/uwq2vc/-/index.html.

[13] http://www.nation.co.ke/News/Allies+hunt+Shabaab+fighters+door+to+door+/-/1056/1269650/-/4kcnfh/-/index.html

10. On 20 November 2011, Al-Shabaab militants ambushed a joint Kenyan-Somali convoy near Dhoobley. A senior Somali military officer, Abdikarim Ali Yusuf, reported that four Al-Shabaab militants were killed and one was captured; Al-Shabaab, however, claimed that it had destroyed two of six military vehicles and killed eight Kenyan troops.[14] On 22 November 2011, Al-Shabaab militants ambushed 'Somalia National Army' troops (probably members of the Azania militia group) between Hayo and Qoqaani.[15] The increasing tempo of attacks by Al-Shabaab during the month November may have also contributed to the slow ground progress of Kenyan and allied Somali forces, by keeping them engaged behind their own frontlines.

11. In December 2011, Kenya continued to conduct airstrikes targeting Al-Shabaab positions. On 2 December 2011, Kenyan aircraft targeted an Al-Shabaab base in Eel Adde village near Baardheere in Gedo region. According to Al-Shabaab's military spokesman, Sheikh Abdul Aziz Abu Mus'ab, jets dropped six bombs, killing four civilians and injuring 35 others. However, the TFG-appointed governor of Gedo region, Mohamed Abdi Khalil, rejected Al-Shabaab's claim and stated that nine Al-Shabaab militants had been seriously injured in the airstrikes.[16]

12. On 6 December 2011, the Kenyan Cabinet approved a request from the African Union that Kenyan forces be deployed under AMISOM auspices. A Kenyan statement read: "The Cabinet that met under the Chairmanship of President Mwai Kibaki at State House Nairobi also approved the re-hatting of the Kenya Defence Forces in Somalia to AMISOM, subject to approval by Parliament."[17] In principle, this decision paved the way for Kenya to bring its military operations into compliance with the arms embargo on Somalia. However, the process of 'rehatting' would take many more months to complete.

13. Meanwhile, Al-Shabaab continued to launch hit-and-run attacks against Kenyan and Somali positions, particularly in the areas between Dhoobley and Qoqaani. On 7 December 2011, following fighting with KDF two senior Al-Shabaab commanders, Dahir Abu Ayman and Mohamed Khadar Kafi, were reported killed on the outskirts of Qoqaani. Other reports suggested that 14 other Al-Shabaab combatants had been killed.[18] On 9 December 2011, a Somali military vehicle traveling between Taabta and Dhoobley hit a roadside bomb. Eight Somali soldiers were reported killed in the blast, which Al-Shabaab initially claimed had killed five TFG militia forces and a Kenyan soldier.[19]

14. In mid-December 2011, KDF resumed offensive operations. On 17 December 2011, Kenyan forces announced that it was preparing to push forward in Burgaabo, a strategic port town approximately 60 miles from Kismaayo. Kenyan forces remained in Burgaabo for two months,

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[14] http://www.reuters.com/article/2011/11/20/us-somalia-islamists-idUSTRE7AJ0IN20111120.

[15] http://af.reuters.com/article/topNews/idAFJOE7AL08P20111122.

[16] http://af.reuters.com/article/topNews/idAFJOE7B10AP20111202.

[17] http://www.nation.co.ke/News/politics/Cabinet+approves+AU+request+on+Kenyan+troops/-/1064/1285104/-/m7w94a/-/index.html.

[18] http://somaliareport.com/index.php/post/2264/Two_Senior_Al-Shabaab_Leaders_Killed.

[19] http://www.shabelle.net/article.php?id=13303.

forcing Al Shabaab to withdraw into heavily wooded terrain across the Burgaabo creek.[20] During the last week of December 2011, clashes between the KDF and Al-Shabaab became a daily occurrence and, Kenyan aircraft continued to carry out airstrikes in the vicinity of Hosingow and Badhaadhe.[21]

15. In January 2012, Kenyan forces, together with allied Somali militias, seized Faafahdun a town south of Baardheere in Gedo region, while other Somali forces began to advance close towards to Baardheere, an Al-Shabaab stronghold. January also saw the increasing influence of Kenyan Al-Shabaab members and leaders in the conflict of Somalia. On 9 January 2012, Sheikh Ahmed Iman Ali, Al-Shabaab's newly appointed leader for Kenya, was featured in a video released by Al-Shabaab's media wing, Al-Kata'ib Foundation. In the video, Ahmed Iman urged Kenyans to participate in jihad either locally (in Kenya) or in Somalia.

16. The month of February 2012 highlighted Kenya's continued struggle in capturing Al-Shabaab's strongholds.[22] On 2 February 2012, KDF troops, along with Raas Kaambooni militia, seized the al Shabaab stronghold Badhaadhe in Lower Jubba region[23]. While on 4 February 2012, heavy clashes were also reported in Qoqaani between al Shabaab militants and TFG troops backed by the KDF and Raas Kaambooni brigades[24]. By the end of February, slow progress was made in securing some areas of Gedo region that KDF had reportedly secured already. This resulted in KDF airstrikes on Burdhuubo in Gedo region on 29 February 2012 reportedly injuring 30 al Shabaab militants.[25]

17. On 31 May 2012, Kenyan Forces and their Somali militia allies achieved their first major strategic success in several months, capturing the town of Afmadow and paving the way for an advance on the port town of Kismaayo, which the Kenyan Chief of Defence Staff indicated the KDP intended to capture by August 2012.

Status of Kenyan forces vis-à-vis the arms embargo

18. Notwithstanding Kenya's invocation of Article 51 of the UN Charter, it is the assessment of Monitoring Group that the intervention of KDF armed forces in Somalia constituted, for a finite period, a violation of the general and complete arms embargo. Kenyan forces not only introduced arms, ammunition, vehicles and military equipment into Somali territory without prior authorization from the Committee, but also provided direct support to allied Somali militia forces.

19. The signature of Memorandum of Understanding between the Government of Kenya and the African Union on 2 June 2012, formalizing "Kenya's contribution of troops and resources to the AU Mission in Somalia" and integrating Kenya Defence Forces into AMISOM's command and control

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[20] http://www.newsday.com/news/nation/kenya-marches-into-somalia-but-can-t-see-the-enemy-1.3395904.

[21] http://www.capitalfm.co.ke/news/2011/12/kenyan-jets-kill-10-in-south-somalia-air-raid/.

[22] See attachment 5.2.b.for KDF projected Ops Achievement.

[23] http://shabelle.net/article.php?id=14995.

[24] http://www.somaliareport.com/index.php/post/2708.

[25] http://www.shabelle.net/article.php?id=15792.

structure, means that Kenyan forces in Somalia are currently subject to the exemption granted to AMISOM under resolution 1772 (2007).[26] However, between 16 October 2011 and 2 June 2012, the KDF operated independently of AMISOM and were not eligible for this exemption. Furthermore, the Juba Valley (now part of AMISOM Sector 2) was not a theatre of AMISOM operations until the new Strategic Concept of Operations was approved by the AU PSC on 5 January 2012. Lastly, despite the signature of the MOU between Kenya and the African Union, the precise number of Kenyan troops and any assets they will contribute to AMISOM remain undefined.

Ethiopian Military Operations in Somalia

20. In November 2011, following an IGAD meeting addressing the situation in Somalia[27], Ethiopia formally announced that it would deploy troops inside Somalia for a "brief period" in support of Kenyan and Somali forces combating Al-Shabaab. This public acknowledgement came days after credible reports of columns of Ethiopian military trucks and armoured vehicles crossing into Somalia on 19 and 20 November 2011.[28]

21. According to military sources, advance preparation for Ethiopia's "brief" intervention had begun in early November 2011 initially via Doolow in close proximity to the borders of Kenya, Somalia and Ethiopia. However, by 19 November 2012, Ethiopian military trucks and several armoured vehicles had reportedly crossed into central Somalia heading to the villages of Qeydar and Marodile in Guri'eel and Balanbaale districts.[29]

22. In responding to Ethiopia's first military official intervention in Somalia since February 2009, Al-Shabaab's military spokesman, Sheikh Abdul Aziz Abu Mus'ab, issued a statement on 20 November 2011:

> We are glad to say Ethiopian troops are in the [Guri'eel] area – they have come because AMISOM and Kenya have failed in the fight against Al-Shabaab….Al-Shabaab and the Ethiopians know each other. We made them pull out with their dead bodies two years ago.[30]

23. On 22 November 2011, Ethiopian troops also crossed through the Damasa border, 25 kilometres away from Yaqle and on 27 November 2011, additional support troops advanced on towards Guri'eel and Beledweyne, securing a key transport route to Mogadishu. In response, a local Al-Shabaab Gedo

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[26] African Union, "Signing of the Memorandum of understanding between the Commission of the African Union and the Government of the Republic of Kenya as Troops and Resources Contributing Country to the African Union Mission in Somalia", Press release, 2 June 2012.

[27] http://www.voanews.com/english/news/africa/Ethiopia-May-Join-Alliance-Against-Somalias-Al-Shabab-134124988.html.

[28] http://uk.reuters.com/article/2011/11/25/uk-kenya-somalia-ethiopia-idUKTRE7AO0V920111125.

[29] http://af.reuters.com/article/commoditiesNews/idAFL5E7MJ0Z320111119.

[30] "Somalia's Shebab Vow http://www.france24.com/en/20111120-somalias-shebab-vow-defeat-ethiopian-forces-0.

commander Sheikh Said Warsan threatened: "The blood of Somalis will not be left unaccounted for. Kenya and Ethiopia will answer. "[31]

24. In December 2011, after weeks of advance preparation, Ethiopian National Defence Forces (ENDF), together with local Somali proxies (including Shabelle Valley State (SVS) and Alhu Sunna Wal Jama'a (ASWJ)), launched an offensive to capture the strategic town in Beledweyne. On 31 December 2011, clashes ensued between ENDF troops and Al-Shabaab units inside Beledweyne. Within hours, ENDF and SVS forces managed to take control of the centre of the town, while some members of Al-Shabaab withdrew to Bakool region and others reportedly melted into the local population.[32]

25. On 5 January 2012, the African Union's (AU) Peace and Security Council decided to replace Ethiopian troops in any newly captured areas (including Beledweyne) with AMISOM troops.[33]

26. On 22 February 2012, ENDF forces entered the strategic town of Baidoa, which lies on the main road connecting Mogadishu to Bay, Gedo and Bakool regions.[34] Al-Shabaab ceded the town without a fight, pre-emptively withdrawing towards Buur Hakaba and Afgooye, as well as to rural areas in Bay and Bakool. A day later on 23 February 2012, ENDF and its Somali proxies began stabilization operations in Baidoa, including consultations with local elders on security-related issues.[35]

27. On 24 March 2012, media reports also corroborated by Osman Isse Nur, the district commissioner for Gur'eel, confirmed ENDF troops took control of the town of Guri'eel in the region of Gaalgaduud and set up military bases on the town's city's outskirts.[36] Later the same week, Ethiopia staged another offensive, this time targeting Eel Buur, where Al-Shabaab had one of its remaining strategic bases in the central region.[37]

28. In April 2012, Ethiopia formally announced that it would cede occupied territories to AMISOM. In a statement published on 14 April 2012 by the Ethiopian Foreign Ministry, ENDF troops deployed in central Somalia would be replaced by African Union peacekeepers.[38]

29. At the time of writing, the ENDF was still operating in southern and central Somalia. The Monitoring Group has also observed movements of military aircraft operated in the Somali airspace by the Ethiopian Air Force (see annex 5.1). The ENDF are not operating under AMISOM auspices and therefore do not benefit from the exemption established by Security Council resolution 1772

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[31] http://www.criticalthreats.org/somalia/timeline-operation-linda-nchi-october-24-2011.

[32] Confidential security report, January 2012.

[33] http://www.bbc.co.uk/news/world-africa-16441240.

[34] http://allafrica.com/stories/201202240339.html.

[35] Confidential security report, February 2012.

[36] http://allafrica.com/stories/201203240086.html.

[37] http://www.nation.co.ke/News/africa/Ethiopian+troops+aim+at+Al+Shabaab+stronghold+/-/1066/1373136/-/14ibsvyz/-/.

[38] http://www.foxnews.com/world/2012/04/17/ethiopian-troops-to-soon-leave-somalia-pm-says/.

(2007). It is therefore assessment of the Monitoring Group that the presence in Somalia since November 2011 of the Ethiopian National Defence Force and Air Force constitute a violation of the general and complete arms embargo on Somalia.

Djiboutian Military Operations in Somalia

30. On 20 December 2011, a 100-strong company of the Djiboutian army led by General Zakaria Sheikh Ibrahim landed at Mogadishu International Airport in an UNSOA chartered aircraft. The advance force of a planned total of 900 troops was welcomed on the tarmac by AMISOM Deputy Force Commander, Brigadier-General Audac Nduwumunsi, and the TFG Prime Minister, Abdiweli Mohamed Ali.[39]

31. However, at the time of the deployment of the Djiboutian army in Somalia, the new AMISOM strategic concept of operations had not yet been approved by the Peace and Security Council of the African Union. It is therefore the assessment of the Monitoring Group that the Djiboutian deployment represented a violation of the arms embargo on Somalia between 20 December 2011 and 5 January 2012.

32. On 1 June 2012, a battalion of Djiboutian forces landed at Beledweyne, now in AMISOM Sector 4, in anticipation of a planned hand-over to of the sector from the ENDF to AMISOM

Unmanned Aerial Vehicles (UAVs)

33. The number of reports concerning the use of Unmanned Aerial Vehicles (UAVs) in Somalia in 2011-12 has increased in comparison with previous mandates. Several independent investigations have documented the deployment of US operated UAVs in Somalia, and other countries of the region, mostly for surveillance purposes.[40] On at least two occasions, UAVs have reportedly been employed in targeted assassination of Al-Shabaab leaders and commanders during the course of the Monitoring Group mandate.[41]

34. The Monitoring Group currently considers UAVs to be of an exclusively military; their importation to and use in Somalia therefore represents as potential violation of the arms embargo. In addition, according to article 8 of the Chicago Convention, "no aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State",[42] placing UAV operators in Somalia under an additional obligation to obtain approval from the TFG..

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[39] African Union, "Djiboutian troops join AMISOM", Press release, 20 December 2011.

[40] Jeremy Scahill, "The CIA's Secret Sites in Somalia", The Nation, 12 July 2011; Craig Whitlock and Greg Miller, "US Assembling Secret Drone Bases in Africa, Arabian Peninsula, Officials Say", The Washington Post, 21 September 2011; Dina Temple-Raston, "In The Hunt For Al-Qaida, Drone Program Expands", NPR, 26 September 2011; see also annex XX.

[41] Greg Jaffe and Karen DeYoung, "U.S. drone targets two leaders of Somali group allied with al-Qaeda, official says", The Washington Post, 30 June 2011; Katharine Houreld and Abdi Guled, "U.S. Drone: Bilal al-Berjawi, Al Qaeda Official, Reportedly Killed By Strike", Associated Press, 21 January 2012.

[42] ICAO, Convention on International Civil Aviation [Chicago Convention], Ninth Edition, Doc 7300/9, 2006, page 5.

35. On 19 August 2011, an Associated Press reporter saw pieces of a surveillance drone that had crashed on a house in central Mogadishu, before being recovered by AMISOM soldiers.[43]

36. On 13 November 2011 at 1130 local time, a UAV corresponding to the technical description of a RAVEN overflew the Medina district of Mogadishu, passing overhead the UNCC and UNSOA bulk fuel installations, where AMISOM strategic fuel reserves are currently stored.[44] The drone was later collected at the north end of the Mogadishu International Airport runway by an individual driving a white pick-up truck. According to an incident report sent to AMISOM by one of its contractors, the UAV's trajectory represented a serious security threat to AMISOM, because of the risk of a crash into its main fuel depot.

37. On 9 January 2012 at 0910 local time, a Boeing 737 passenger aircraft, operated on behalf of AMISOM for troop rotations between Mogadishu and Entebbe, Uganda, with 112 persons on board, almost collided with an UAV after departure from Mogadishu International Airport (MIA). The pilot, alerted by his Traffic Collision Avoidance System (TCAS), was obliged to take avoidance measures and altered his course. In a letter dated 21 February 2012, the AMISOM Force Commander raised this and other incidents with his main partners, calling upon an urgent meeting to prevent further incidents, in view of the threat UAV's potentially represent to AMISOM air operations and to aviation safety in general.[45]

38. On 3 February 2012 at 1000 local time, an US-manufactured drone crashed in Badbaado IDP camp, located in the Hodan district of Mogadishu. The remains of the aircraft were quickly recovered by AMISOM and TFG security forces. No casualties were reported.[46]

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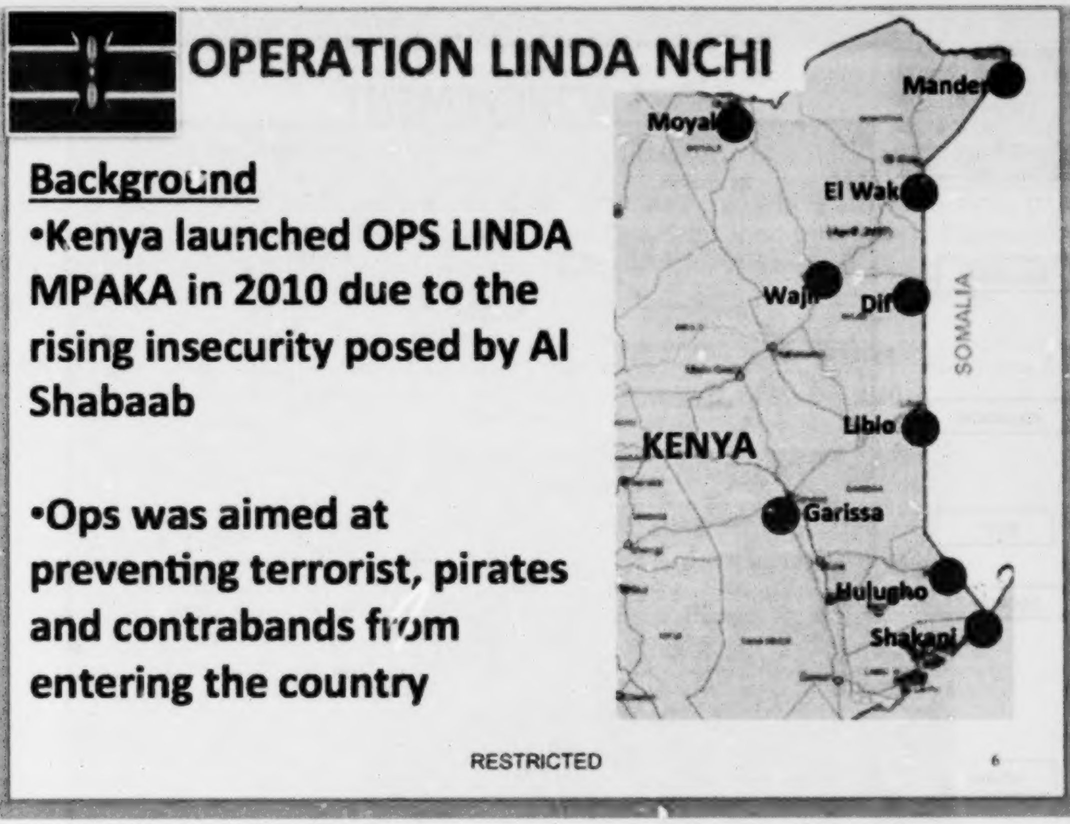
[43] "Surveillance Drone Crashes in Somali Capital", Associated Press, 19 August 2011.

[44] The AeroVironment RQ-11 Raven is a small hand-launched remote-controlled UAV developed for the US military.

[45] Most aircraft operating in Somalia are not equipped with a Traffic Collision Avoidance System (TCAS); this letter contradicts a correspondence on 7 May 2012 from the Government of the United States, in response to a request from the Monitoring Group, mentioning the delivery of a small number of unmanned aerial systems to AMISOM.

[46] Confidential daily security report, 4 February 2012.

Annex 5.2.a.: Operations ‘Linda Mpaka’ and ‘Linda Nchi’



OPERATION LINDA NCHI

Background

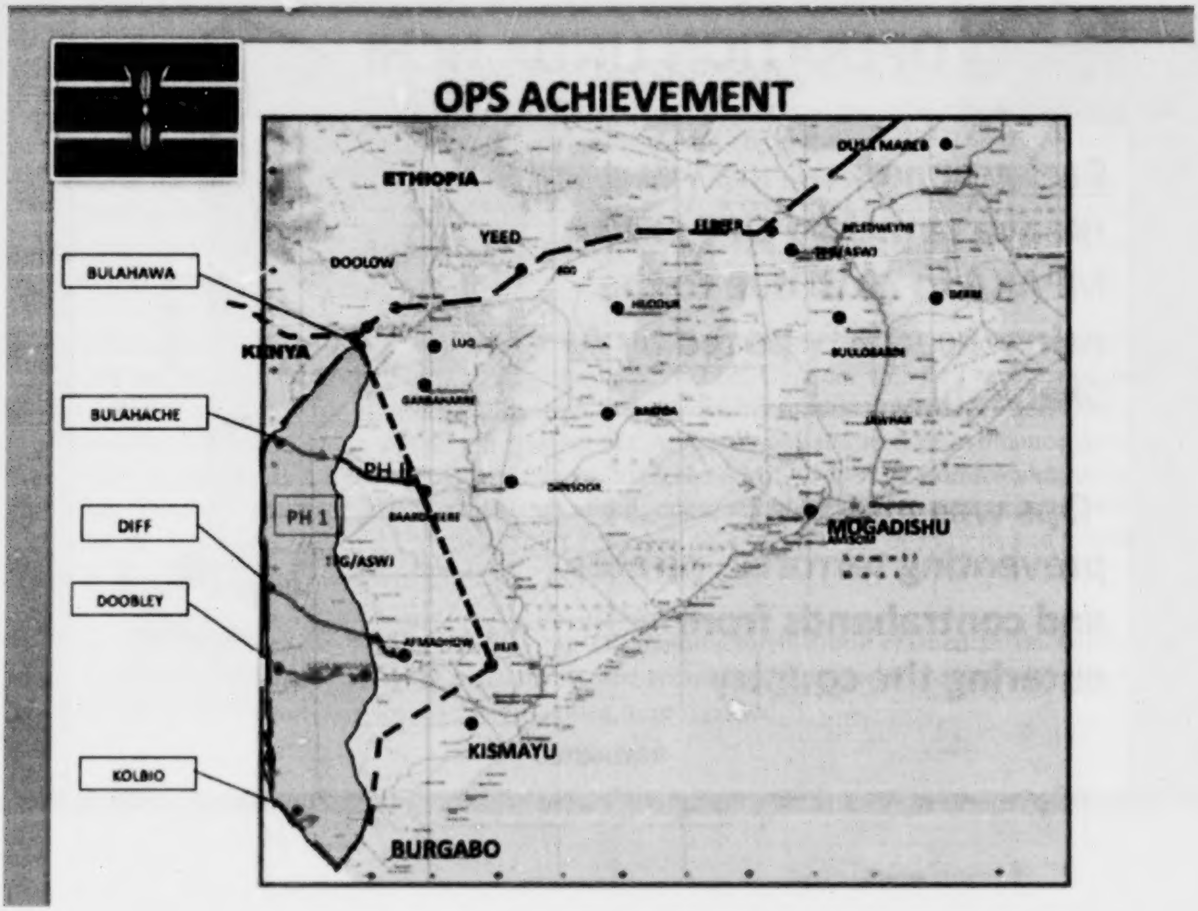
- Kenya launched OPS LINDA MPAKA in 2010 due to the rising insecurity posed by Al Shabaab
- Ops was aimed at preventing terrorist, pirates and contrabands from entering the country

Mandera
Moyale
El Wak
Wajir
Dif
SOMALIA
Liblo
KENYA
Garissa
Hulugho
Shakani

RESTRICTED

6

Annex 5.2.b.: Projected 'Linda Nchi' Operations



OPS ACHIEVEMENT

BULAHAWA
BULAHACHE
DIFF
DOOBLEY
KOLBIO
ETHIOPIA
YEED
DOOLOW
KENYA
LUQ
PH II
PH 1
TIG/ASWI
AFMADHOW
KISMAYU
BURGABO
MOGADISHU
DUSA MAREB

Annex 5.3. Private Security Companies and Organizations (PSCs)

Annex 5.3.a.: Case study: Sterling Corporate Services (SCS) / Saracen International

Overview

1. More than two years have elapsed since the first team of former South-African military personnel, including Lafras Luitingh, Nicolas "Nic" Van Der Bergh, François "Frans" Eugene Fourie, Lood Pepler and "Major" Botes, landed in northeast Somalia, to assist, train, equip, supervise and mentor security forces in Puntland in May 20110, in violation of the Somalia arms embargo.

From left to right: "Nic" Van Den Bergh, "Frans" Fourie, Jose Dangalan, "Major" Botes and Lafras Luitingh in a private aircraft bound for Puntland on 1 May 2010

2. In February 2011, Saracen International legal counsel, the US-based law firm Steptoe & Johnson, informed the Monitoring Group in writing that Saracen had suspended operations and would only resume "the counter-piracy training upon donor state compliance with the notice procedures".[1] However, the Monitoring Group has learned that in October 2011 Saracen International, operating under a new name (Sterling Corporate Services or SCS) resumed provision of military training, delivery of military and/or dual-use equipment, technical assistance, financial and other assistance, to the Puntland Maritime Police Force (PMPF), without authorization from the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009).

3. While the Security Council has repeatedly identified the fight against Somalia-based piracy as an international priority, and called for the strengthening of Somali capacities to tackle this issue, it has also established, under Security Council resolution 1772 (2007), clear procedures for the provision of external assistance to Somali security sector institutions. In addition, Security Council resolution 1976

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[1] Letter to the United Nations regarding cessation of counter-piracy training, 17 February 2011; S/2011/433, annex 6.3.a.

(2011) specifically encourages States and regional organisations engaged in strengthening Somalia coastguard capacity to do so only "after having any necessary approval from the Council's Committee pursuant to resolutions 751 (1992) and 1907 (2009)". The Monitoring Group has apprised all parties concerned, including the Government of the United Arab Emirates, Saracen International / Sterling Corporate Services, and the Puntland authorities of their obligations in this regard. Despite evidence to the contrary, the Government of the United Arab Emirates officially denies backing this project.[2]

4. Although described as a counter-piracy initiative, the PMPF, formerly known as "Puntland Marine Force", has yet to be deployed as part of a comprehensive strategy to fight piracy in Puntland in cooperation with international partners. It has no basis in Puntland's constitution or domestic legislation, operating instead as an elite force outside any legal framework, engaged principally in internal security operations, and answerable only to the Puntland presidency. It is therefore questionable as to whether the PMPF can in fact be considered a legitimate 'Somali security sector institution'.

5. In light of such a brazen, large-scale and protracted violation of the Somalia sanctions regime, the Monitoring Group is particularly concerned by the failure of Member States to fulfil their obligations to prevent such activity in accordance with relevant Security Council resolutions,[3] and by the adverse message that such inaction sends to other parties contemplating similar violations.

Mapping of the entities involved in support of the PMPF in Somalia

Sterling Corporate Services (UAE)

6. Sterling Corporate Services Free-Zone Establishment (FZE) is allegedly incorporated with the Dubai Silicon Oasis Authority, a technology park and free zone specialized in the IT sector and located in Dubai, where SCS claims to rent an office (D 105). However, neither the Dubai Department of economic development company registry,[4] the Dubai Chamber of Commerce,[5] nor the business directory of the Dubai Silicon Oasis Authority acknowledges Sterling Corporate Services FZE as a registered entity.[6]

STERLING
CORPORATE
SERVICES

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[2] Meeting with a representative of the UAE Ministry of Foreign Affairs, Abu Dhabi, 25 March 2012.

[3] United Nations Security Council resolutions 733 (1992), 751 (1992), 1425 (2002), 1772 (2007), and 1844 (2009).

[4] Accessed on 2 June 2012 at http://www.dubaided.gov.ae/English/eServices/.

[5] Accessed on 2 June 2012 at http://www.dubaichamber.com/e-services/commercial-directory.

[6] Accessed on 2 June 2012 at http://www.dsoa.ae/en/partners-list.jsp.

7. The Monitoring Group has made several requests to the company,[7] to its legal counsel,[8] and to the Puntland authorities[9] seeking additional information about SCS, including the certificate of incorporation, and information about the structure, main shareholders and management board of the company. None of these parties has yet responded to a Monitoring Group request. In a letter dated 6 January 2012, Steptoe & Johnson's partner Stephen Heifetz, also member of the board of the International Stability Operations Association,[10] confirmed "that Steptoe continues to represent personnel formerly associated with Saracen".[11]

8. However, the SCS company website indicates that Johan Vorster, former chief financial officer of Saracen International Lebanon, a chief financial officer of Australian African Global Investments SA (AAGI South Africa), is the company director and Vice President for Finance, alongside Chris Grove, former Saracen International Deputy Chief Operations Officer and Chief of Staff (now also a Vice President at SCS). Both individuals are South African nationals and close associates of Lafras Luitingh, former Saracen International Chief Operations Officer.

9. The Monitoring Group has also established that Lafras Luitingh (who according to multiple sources has a residence in Abu Dhabi), and his companies, are directly and actively involved in Sterling Corporate Services operations in Somalia. In addition, according to an internal Saracen source, Lafras Luitingh travelled with Chris Grove to Somalia in mid-January 2012, to visit SCS project sites in Mogadishu and Bosaaso.

10. Former CIA officer Michael Shanklin, mentioned in the previous Monitoring Group report, has also transferred his affiliation from Saracen International to SCS, remaining in charge of public relations operations in Nairobi, as well as logistics in the United Arab Emirates.[12]

11. These circumstances lead the Monitoring Group to conclude that SCS is in fact a front company for the same individuals and entities behind Saracen International. It is also the assessment of the Monitoring Group that SCS/Saracen's consistent efforts to obscure its organization and operations, including deception and fraud, as well as the general lack of transparency surrounding PMPF mandate and operations, merits particular vigilance and decisive corrective action.

Australian African Global Investments (South Africa)

12. Australian African Global Investments SA Proprietary limited company (PTY) Limited, a company incorporated on 11 December 2006 in South Africa and named in the previous Monitoring

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[7] Official Correspondence to Sterling Corporate Service, 14 May 2012.

[8] Official Correspondence to Steptoe & Johnson LLP, 27 March 2012.

[9] Official Correspondence to the Puntland Presidency, 18 May 2012.

[10] S/2011/433, annex 6.1, paragraphs 6 and 7.

[11] Reply to Monitoring Group's letter of 18 November 2011, 6 January 2012.

[12] S/2011/433, annex 6.3, paragraph 11; Michael Shanklin's company is reportedly registered in Jordan; meeting in Nairobi with a Western diplomatic source, 28 March 2012; meeting in Dubai with a Somali source, 25 March 2012.

Group report of July 2011 for its direct involvement in the supply of military equipment to the PMPF,[13] is owned by Lafras Luitingh and Nicholas "Nic" Van Den Bergh.

13. The Monitoring Group has obtained evidence that AAGI South Africa was still providing, on 24 November 2011, support to the PMPF in Bosaaso from South Africa, using O.R. Tambo airport in Johannesburg to airlift equipment and supplies to the force.[14] The Puntland Development Group still appears as the only consignee and local partner for SCS/Saracen operations, including local logistics.

14. Furthermore, AAGI South Africa is cited by former Saracen International Lebanon and SCS contractors in Somalia as being the legal entity responsible for recruiting and managing SCS personnel on the ground.

Australian African Global Investments (Australia)

15. Australian African Global Investments (PTY) Limited was registered in Australia on 10 May 2006 and is fully owned by a company called Lafras Luitingh (PTY) Limited, also incorporated in Australia on the same day. Lafras Luitingh, who acquired the Australian citizenship on 27 June 2009, is essentially using Australia as a financial hub for money transfers to and from the United Arab Emirates, Zambia, South Africa and the United States, in connection with his activities in Somalia.

16. The Monitoring Group has obtained official documentation revealing that approximately US$ 2 million have transited Lafras Luitingh's corporate and personal bank accounts since the beginning of the SCS/Saracen International project in Somalia.

17. In addition to the South African and Australian branches, the Monitoring Group has received indications that other AAGI entities are incorporated in Congo, Mozambique, Tanzania, Uganda and Zambia. None of these countries have replied to requests for information from the Monitoring Group; consequently the Monitoring Group has not yet been able to establish whether any of these entities are also involved in providing unauthorized support to security sector institutions in Somalia.

Chantete Mining Services (Zambia)

18. Lafras Luitingh is one of the two main shareholders of Chantete Mining Services Limited, incorporated in Zambia on 22 March 1979. The company has provided first Saracen International, then SCS, with earth-moving equipment, bulldozers and personnel to drive and maintain the machines in Somalia. Official documentation indicates that substantial quantities of money were being transferred by Lafras Luitingh until February 2012 to and from Chantete Mining Services and its associated company, Chantete Emeral Limited (Zambia).

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[13] S/2011/433, annex 6.3, and more particularly Note on Flight EK-32604.

[14] See attachment 5.3.a.i.

Chantete Mining Services personnel at the training camp of Bandar Siyada, west of Bosaaso

Afrifin Logistics FZE (UAE)

19. Afrifin "general trading" Free-Zone Establishment (FZE) was incorporated by Lafras Luitingh at Sharjah Airport International Free-zone (SAIF), under licence number 33030.[15] Like Saracen International Limited and African Minerals Enterprises Limited, which are also owned by Lafras Luitingh and incorporated in the British Virgin Islands,[16] the Afrifin Logistics bank account is domiciled in Hong-Kong.

20. According to Chinese authorities,[17] bank accounts for Saracen International Limited BVI and African Minerals Enterprises Limited BVI in Hong Kong were closed down between April and July 2011. However, Afrifin Logistics bank account in Hong Kong was still active on 18 October 2011.

Logistic Solutions FZC (UAE)

21. This Free-Zone Company, registered by Hiten Shah at the SAIF under licence number 29705,[18] is directed by Barney Links.[19] The latter is directly in charge of logistical support for the PMPF, on behalf of SCS/Saracen, from the United Arab Emirates.

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[15] Accessed on 13 May 2012 at http://www.saif-zone.com/main/InvestorDir.asp?CurrentPage=16&CurrentAlpha=A.

[16] Saracen International Limited was registered on 1 November 1994 under licence number 132104; according to official documentation, Bill Pelser, CEO of Saracen Uganda Limited, resigned from Saracen International BVI in October 2011. African Minerals Enterprises Limited was incorporated in the BVI on 11 June 2001 under number 448514.

[17] Letter to the Monitoring Group, 23 May 2012.

[18] Accessed on 6 June 2012 at http://www.saif-zone.com/main/InvestorDir.asp?CurrentPage=10&CurrentAlpha=L.

[19] Accessed on 6 June 2012 at http://ae.linkedin.com/pub/barney-links/34/81/386.

Air operations

22. At the time of writing, SCS was providing three helicopters and three aircraft registered in three different countries, through two different operators, in support of PMPF land-based operations in Somalia. The original concept of operations, as established by Saracen International and cited in the previous report of the Monitoring Group,[20] includes three transport aircraft, three reconnaissance aircraft, and four helicopters, including two light helicopters and two transport helicopters.

An Antonov AN-26 registered EK-26878, a DC-3 "Dakota" registered ZS-MFY and a Beechcraft 200 registered 3X-GBL, parked next to SCS training camp in May 2012

23. The Monitoring Group has identified two of the helicopters as being Aérospatiale Alouette III type 316 B, registered in South Africa under registration ZU-RFC and ZU-RFD. Purchased from the South African Air Force on 7 May 2010 by JA CAMPBELL, South African customs documentation indicates that they had been 'temporarily exported' from South Africa to the United Arab Emirates and then observed in the Seychelles on board the former Blackwater escort vessel, the MV Eaton, on 4 March 2011.[21]

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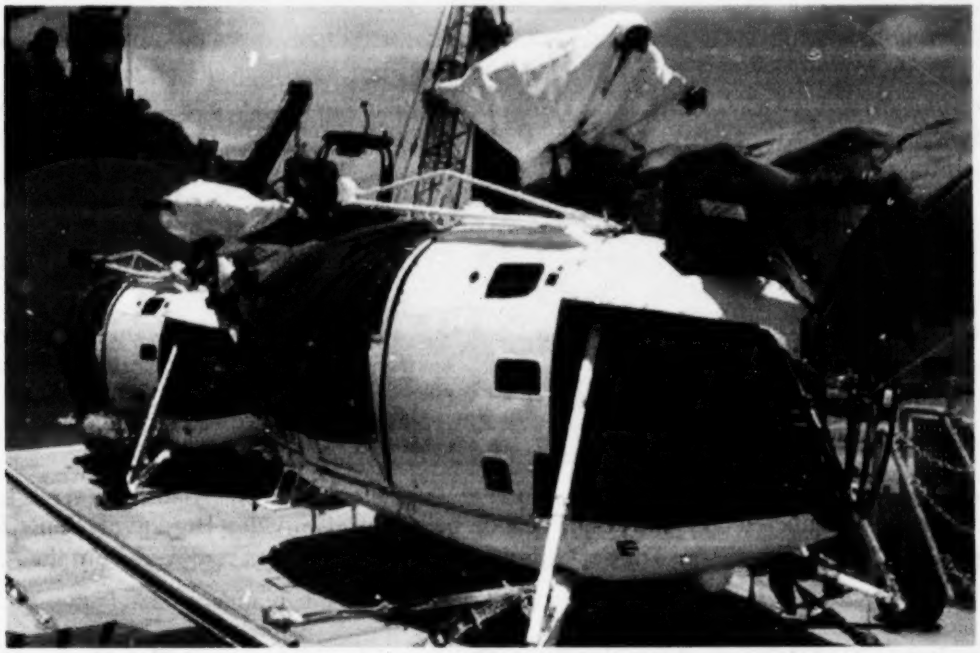
[20] S/2011/433, annex 6.3., paragraph 14.

[21] S/2011/433, annex 6.4.

Alouette III registered ZU-RFC and ZU-RFD, on the helicopter deck of the MV EATON, docked at Port Victoria, Seychelles, on 4 March 2011



Ayk Avia Air Company CJSC (Armenia)

24. Ayk Avia Air Company CJSC is an Armenian certified air operator, which had its licence renewed on 17 October 2011 by the Armenian General Department of Civil Aviation. Between June 2011 and November 2011, Ayk Avia has operated 22 cargo flights to Bosaaso from Entebbe, Uganda, via Ethiopia, and Fujeirah, UAE, on behalf of Saracen/SCS/AAGI.[22]

25. Ayk Avia has operated two Antonov An-32 cargo aircraft in Somalia, registered EK-32410 and EK-32604. Both aircraft were deregistered from the Armenian registry on 15 and 16 January 2012.

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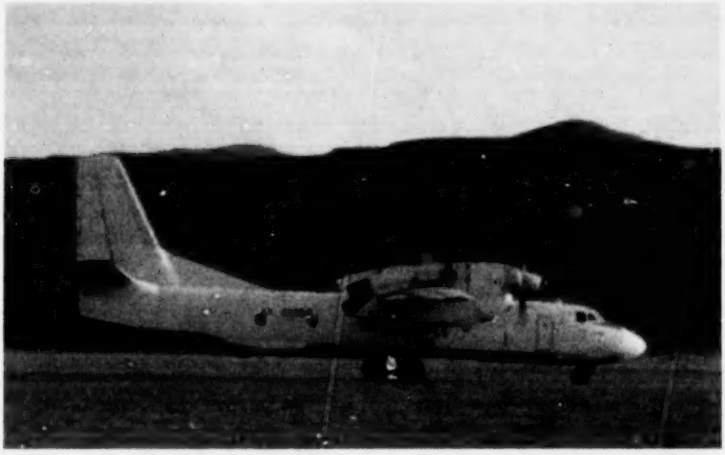
[22] See attachment 5.3.a.ii.

Antonov An-32 bearing Ayk Avia cargo markings and registration EK-32604 taxiing after landing at Bosaaso airport, 13 October 2010



26. Ayk Avia also conducted 6 flights to Somalia on behalf of SCS with a Beechcraft Super King Air 200 registered EK-2042, owned by Transerv Limited.[23] The aircraft was removed from the Armenian registry on 23 November 2011.

27. According to CACAS data, this aircraft was flying to Mogadishu, on 2 May 2012, and to new areas of SCS operations, including Iskushuban (Scuciuban) and Hafun, under a new Guinean registration, 3X-GBL.

Transerv Limited (Rwanda)

28. Transerv Limited is a company incorporated in Rwanda on 21 April 2010 by Jamal Balassi to engage in "transport and related services and maintenance, general trading, training".[24] Jamal Balassi, the only shareholder and head of the company, is the former Saracen International Lebanon Chief Executive Officer, a member of the board of Afloat Leasing and an employee of Reflex Responses Management Consultancy in the UAE.[25]

29. Jamal Balassi hired a US-based consultant, John P. Palen, to assess the needs for aerial assets for the PMPF. During a phone interview with the Monitoring Group, John Palen, who identified himself as Transerv's director of operations, revealed that his former company was planning to oversee and

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[23] See attachment 5.3.a.iii.

[24] See attachment 5.3.a.iv.

[25] S/2011/433, annex 6.3; according to a source with good knowledge of the PSC sector in the UAE, Reflex Responses (R2) has closed down operations in February 2012, due to the dissatisfaction of the UAE authorities with regard to management of projects in the UAE and Somalia; meeting in Abu Dhabi, 25 March 2012.

manage a fleet of 6 aircraft in Somalia.[26] He also stated to the Monitoring Group that his only point of contact was Jamal Balassi.

30. Transerv Limited, which owns the Beechcraft 200 operated by SCS mentioned above, has also been involved in the purchase of two transport helicopters in Eastern Europe, reportedly for delivery to Rwanda for subsequent use in "humanitarian operations in Northern Africa". Attempts to export the helicopters from Europe by Gulf Atlas Aerospace FZC, a company based in the UAE and related to Ayk Avia, were until recently unsuccessful thanks to the vigilance of export control authorities, on the basis that the End-User Certificates for the helicopters are suspect.

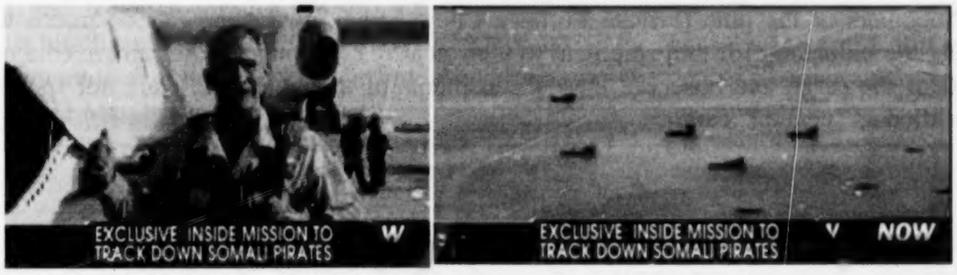
Khalid Air (Uganda)

31. Khalid Air Limited is an aircraft operator based in Entebbe, contracted by AAGI to manage air operations in support of the Puntland Maritime Police Force. Khalid Air is leasing aircraft from South Airlines, an Armenian operator with offices in Sharjah, to airlift contractors, equipment and logistics to Bosaaso.

32. Khalid Air is affiliated with Airstream FZE, a company based at the Sharjah Airport International Free zone (SAIF) under licence number 31279 and registered by Hiten Shah, as for Logistic Solutions.[27] His companies were involved in 2010 in the transportation of Ford F350 B6-armoured vehicles from the UAE to Mogadishu on behalf of Saracen in violation of the arms embargo.

33. The Monitoring Group has received indications that one Antonov An-26, leased by Khalid Air, has been used as a military asset by the PMPF, to conduct aerial surveillance.

Screenshots from a Fox News report taken on the occasion of an aerial surveillance operation conducted by an Antonov An-26, subleased by Khalid air on behalf of SCS, over a pirate anchorage located off the coast of Puntland[28]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[26] Interview by telephone with John P. Palen, 2 February 2012.

[27] Accessed on 13 May 2012 at http://www.saif-zone.com/main/InvestorDir.asp?CurrentPage=16&CurrentAlpha=A.

[28] "Oliver North Goes Inside the Force Carrying Out the Most Dangerous Job in Somalia", Fox News, accessed on 24 February 2012 at http://video.insider.foxnews.com/v/1466591412001/.

34. Khalid Air is currently operating in Somalia three different Antonov An-26s, registered EK-26818, EK-26819 and EK-26878.[29]

New Order Vehicle Sales (South Africa)

35. This company, established in South Africa on 22 September 2009, has owned a Douglas Aircraft Corporation DC-3T since 11 March 2010.[30] The aircraft, registered in South Africa and bearing registration ZS-MFY, is currently based at the SCS camp, west of Bosaaso. According to CACAS data, this aircraft is operated by Khalid air and travelled from Entebbe to Bosaaso, on 6 May 2012, and then did a roundtrip to Eyl from Bosaaso on 11 May 2012.

Sea operations

36. Since its formation, the PMPF has taken delivery at Bosaaso port of two major consignments of supplies to build the Saracen/SCS training camp and equip the force. The first shipment of 500 metric tons, originating in Sharjah, arrived at Bosaaso at the end of October 2010 on the MV NOORA MOON 1 (as reported by the previous Monitoring Group report of July 2011).[31] The shipment included 85 pick-up trucks, now used by the force for land-based operations.

37. The second main shipment, of 1,500 metric tons, docked at Bosaaso port on 3 October 2012. According to local and international media, the MV MAP K, a 156 metres Ro-Ro cargo ship (IMO registration number 8305937) with a St-Kitts-Nevis flag, originating in Fujeirah, offloaded its shipment at Bosaaso port before heading to India to be dismantled.

38. The vessel, operated by Veesham Shipping Inc., a company based at Al Himriya port, Dubai, UAE, was transporting about 35 Russian-made 6-wheel-drive "Kamaz" trucks, most of them loaded with humanitarian assistance donated by the Government of the UAE, 1 crane, 2 fuel tankers, 5 water tankers, and 115 containers. Journalists present the day of the offloading noted that "no outsiders were allowed on the dock except government ministers and members of the Puntland Development Group", and that "members of the pmc [Private Military Company] formally known as Saracen were seen coordinating the unloading [of the] shipment to their nearby compound". The same media obtained a loading list of the cargo and observed that "the contents of the containers were not specified", but simply qualified as "general" cargo.[32]

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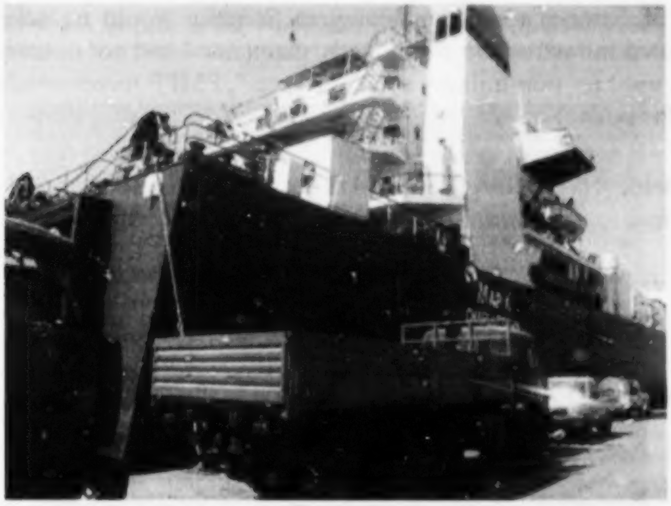
[29] Formerly registered until October 2011 in Guinea as, respectively, 3X-GFD, 3X-GFG and 3X-GFH.

[30] Registered under number 2009/018270/07.

[31] S/2011/433, annex 6.3., paragraph 15.

[32] Robert Young Pelton, Jama Deperani, "Puntland Antipiracy Program Gets Massive Supply", Somalia Report, 5 October 2011.

Russian-made Kamaz 6-wheel-drive trucks on the dock of Bosaaso port, after being offloaded from the MV MAP K



39. Despite several requests, notably to the Government of the UAE, the Monitoring Group has so far been unable to obtain documentation describing the exact nature of the 2,000 metric tons of cargo imported to Bosaaso in October 2010 and October 2011. This lack of transparency has fuelled speculation in local media concerning possible importation of weapons and military or dual-use equipment. While such reports are speculative, the Monitoring Group has independently received credible information, from a source based in Bosaaso with access to the port, that night-vision goggles and ballistic vests were among the equipment transported in the containers.

40. Most recently, a press statement released on the PMPF website announced that a third shipment arrived at Bosaaso port on 30 March 2012, stating that the "supply ship laden with logistical equipment and supplies for the PMPF" was provided by "international donors".[33] According to Lloyd's List Intelligence Vessel Report, the MV NOORA MOON 1 was docked at the port of Bosaaso on the day mentioned in the PMPF statement, after having left the port of Sharjah, in the United Arab Emirates, on 22 March 2012.

Training

41. The Monitoring Group has obtained photographic evidence and detailed information confirming that, contrary to assurances by Saracen International, the training programme of the PMPF never ceased. Instead, it evolved from a conventional, camp-based classic military training programme into a series of practical exercises, drills, and parades, as well as delivery of humanitarian assistance and water in the vicinity of Garowe and Bosaaso.

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[33] Accessed on 10 April 2012 at http://pmpf.net/press-center/puntland-maritime-police-force-receives-supplies-to-bolster-law-enforcement-capacity-building-efforts/.

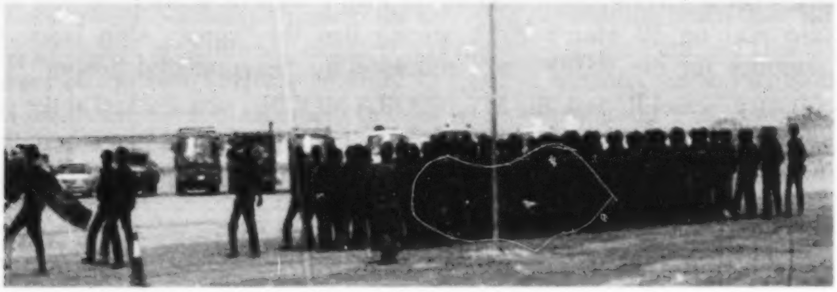
Drills and parades

42. In early April 2011, less than two months after Saracen's legal counsel informed the Monitoring Group that "the role of Saracen's staff remaining in Somalia would be solely to ensure that the equipment and any related infrastructure are properly maintained and not misused or destroyed and, to the extent permissibly, used for non-military social projects", PMPF forces conducted their first public parade in Garowe for President Faroole.[34]

43. Preparation for such events requires repeated drilling over sustained period of time, meaning that the PMPF resumed training soon after having officially ceased operations.

President Faroole addresses a speech to PMPF soldiers and Saracen staff remaining in Somalia on 9 April 2011

The PMPF stages a military parade on 14 April 2011



44. Furthermore, the PMPF was the main attraction during the military parade marking the 13th anniversary of the establishment of the Puntland State of Somalia, which took place in Garowe on 1 August 2011. The Monitoring Group has observed from video reports by local media that PMPF soldiers were marching in step, in a synchronized way, in contrast with other Puntland forces, such as

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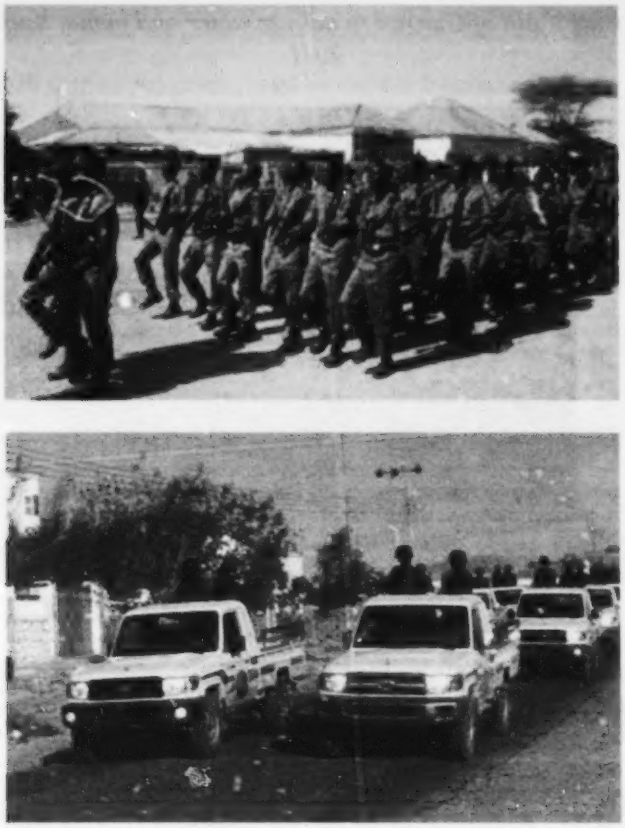
[34] According to photographic evidence obtained indirectly from Saracen/SCS public relation consultant Michael Shanklin.

the Darawish.[35] The PMPF was also the only force to parade with their weapons, and displayed the largest number of vehicles.[36]

The PMPF in Garowe at the Puntland 13th anniversary military parade, on 1 August 2011



Delivery of humanitarian assistance

45. The Monitoring Group is concerned by attempts to characterize security sector assistance and training for the PMPF as 'humanitarian assistance'. A prime example is the October 2011 delivery of Kamaz trucks at Bosaaso port, pre-loaded with UAE food aid, which are now used as military vehicles to transport and deploy PMPF troops.[37] None of the vehicles appear to have been donated to government departments delivering social services.

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[35] See attachment 5.3.a.v.

[36] Posted by HorseedNet on 2 August 2012 and accessed on 15 May 2012 at http://www.youtube.com/watch?v=EATgn3uQFCc.

[37] See attachment 6.3.a.vi.

46. The PMPF's deployment in support of humanitarian operations has served as an opportunity to carry out live military exercises, large-scale convoys and military-style deployments. In addition to media reports, an eyewitness indicated to the Monitoring Group that delivery operations were conducted in military formations, involving a disproportional number of soldiers and vehicles, even in areas close to Garowe and under full control of Puntland authorities.[38]

Convoy operated by the PMPF out of Garowe to deliver water and humanitarian assistance, in March 2011

Delivery of humanitarian assistance by armed personnel under the supervision of SCS/Saracen manager Izak "Sakkie" Marais, in March 2011

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[38] See attachment 6.3.a.vii.

Medical assistance to the TFG

47. As part of Saracen initial project, the "Villa Somalia Emergency Trauma Centre", located inside the main TFG compound at Villa Somalia, Mogadishu, was inaugurated in February 2011. It has been renovated, refurbished and equipped with UAE funds. The Monitoring Group could visit the clinic on 21 January 2011, accompanied by a military trainer from Saracen and Abdi Mohamud Ali, from the TFG Presidency.

South African and Somali staff of the clinic, with in the back former Saracen International Lebanon manager for Mogadishu, "Frans" Fourie (right), and Dr. Osman Abdi (center), from the TFG[39]

DONATED BY
UNITED ARAB EMIRATES
Waxaa ku Deeqay
Dowladda Imiraatka Carabta

48. According to documentation obtained by the Monitoring Group, Lafras Luitingh's company, AAGI South Africa, is supplying the clinic with medical equipment and products, airlifted from South Africa to Mogadishu by Khalid Air. It is the understanding of the Monitoring Group, based on this evidence, that Lafras Luitingh and his company may have been contracted by the United Arab Emirates to renovate, equip and then operate this clinic.

Training camp

49. The SCS/Saracen training for the PMPF has been expanding steadily, and is currently the largest and best-equipped military facility in Somalia, after AMISOM camps in Mogadishu.[40] Based on the 66 large military tents visible in the picture below, the camp had at the time of writing an estimated capacity of 1,500 trainees.

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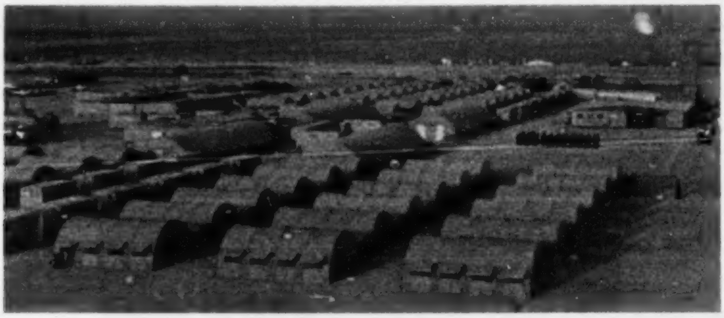
[39] "UAE Funds Trauma Clinic in Mogadishu", Somalia Report, 24 July 2011.

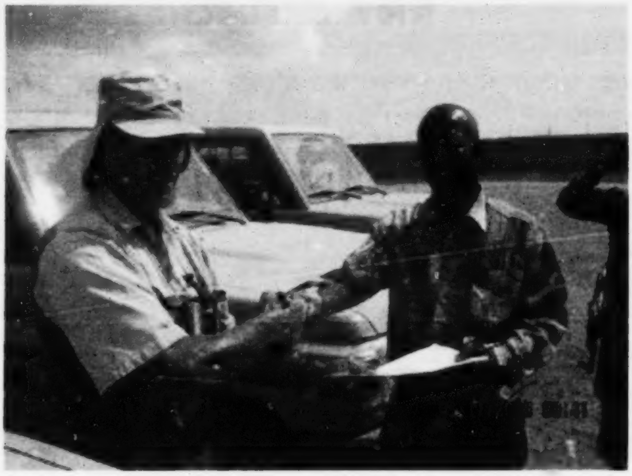
[40] See attachment 6.3.a.viii.

Photograph published by international media of SCS/Former Saracen International training camp, West of Bosaaso, April 2012[41]



50. The camp, protected by a perimeter wall, guard towers, and two external check points, also includes two airstrips, helicopter decks, large training facilities, several dining rooms and kitchens, laundry, operational command and control centre, communications centre, and an intelligence office.[42] Since May 2010, the project manager for the deployment and maintenance of the camp, on behalf of AAGI South Africa and in association with another South African company called "Redeployable Camp Systems",[43] is a South African national named Lood Pepler,[44] already mentioned in the Monitoring Group July 2011 report.[45] He also presided the hand-over ceremony of 20 vehicles from Saracen to the Puntland Police on 5 November 2010.

Lood Pepler at the handover ceremony of 20 vehicles from Saracen International Lebanon to the Puntland Police, 5 November 2010.



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[41] Robert Young Pelton, "Anti-Piracy Programs Full Steam Ahead?", Somalia Report, 10 April 2012.

[42] See attachment 6.3.a.ix.

[43] Registered in South Africa on 16 February 2004, and subcontracted mainly by South African Defence Force.

[44] Accessed on 15 May 2012 at http://ug.linkedin.com/pub/lood-pepler/17/730/157.

[45] S/2011/433, annex 6.3., Note on Flight EK-32604.

Military training

51. According to an internal Saracen/SCS source, military training at the Bosaaso camp resumed in early November 2011 under direct supervision of Chris Grove and Izak "Sakkie" Marais, with a live demonstration of operational readiness.

52. In February 2012, Puntland authorities began a new recruitment process in Garowe. A cohort of 400 trainees arrived on 2 March 2012 at the training camp for six-week session, starting 10 March 2012. According to Michael Shanklin's presentation, the training includes the following:

- Individual tactics (use of firing positions and basic fire and movement);
- Introduction to foot and vehicle patrols and immediate action drills;
- Basic movement control (road blocks and control points);
- Basic security and protection of information;
- Basic drill movements and marching;
- Basic firearm knowledge and safety.

Weapons-handling exercise, on 18 October 2010[46]

53. Despite the TFG's decision on 28 January 2011 not to be associated with the training of the PMPF in Bosaaso, the Monitoring Group received information from AMISOM that the TFG Prime Minister's office authorized SCS to select and recruit soldiers from the Somali National Army to join PMPF training at their camp in Bosaaso, without the consent of TFG s army commanders and outside the framework of the National and Security Stabilization Plan. AMISOM opposed the embarkation of the soldiers from Mogadishu International Airport in late April 2102, and reports from Mogadishu

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[46] See also Annex 5.3.a.ix.

indicate that SCS mentors were also briefly arrested by the TFG Police at Mogadishu airport on 2 May 2012, leading to the termination of this agreement.

54. The training programme is still headed by foreign instructors, most of them originating from South Africa. The Monitoring Group has obtained access to the professional profile of one of these trainers, a British national, who describes his position as "Instructor Trainer/Platoon Sergeant Puntland Marine Force" for "Saracen International", and his duties during the fall of 2011 as follows:

> •Instructor/Platoon Sgt: A short-term contract. Acting as part of a training team, contracted by the State President to recruit, train and mentor a Battalion of Marines in all phases of war including land, sea and airmobile operations in order to secure the State's borders and coastline.
>
> •Leading and mentoring Platoon sized Infantry fighting units whilst mounting kinetic operations, including but not limited to inland Counter Terrorist (Al Shabab) operations, Counter Piracy (Coastal) Seaborne operations and cross border operations denying the freedom of movement to Human Traffickers, Smugglers and criminals.[47]

55. As indicated in the job description, the trainer also leads forces on the ground as a "mentor", in military campaigns that include "kinetic operations". In other words, this individual describes his role not only as an instructor, but as a foreign fighter participating in combat operations on Somali territory.

Land operations

56. Since its creation in May 2010, the PMPF, with the support of SCS/Saracen International has been engaged in a variety of land-based operations, only the last of them related to counter-piracy. Instead, the pattern of PMPF deployments indicates that the force is being employed in an internal security role that would normally be the responsibility of the Puntland Police or Darawish. Only its recent deployments since March 2012 to the localities of Eyl, Hafun and Bargaal, could reasonably be described as part of a hypothetical strategy to eradicate piracy in Puntland, although at the time that the PMPF deployed to Eyl, no pirate group had been operating there since 2010.

Recorded deployments of the PMPF

57. At the time of writing, the force has been deployed in Puntland as follows:

(a) Bosaaso: In November 2011, according to an SCS/Saracen source with first hand knowledge of operations, the "plan area operations with vehicle patrols" was ready; consequently, SCS/Saracen trainees and mentors were observed by several sources securing a neighbourhood in the outskirts of Bosaaso after a fire broke out on 2 December 2011, and in late December, conducting security operations which led to the arrest of hundreds of people. The same sources have also noticed that on several occasions since December 2011, PMPF units supervised by expatriates have conducted night patrols in Bosaaso. On one of these occasions, during the night of 2 January 2012, PMPF forces became involved in an exchange of gunfire with a unit of the Puntland Police in Bosaaso.

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[47] Accessed on 12 May 2012 at http://www.linkedin.com/pub/william-%22billy%22-mcfatter/25/263/2ba.

(b) Qaw: Located only 10 kilometres west of the SCS/Saracen camp, the deployment in the village of Qaw mid-January 2012 was presented by some local media as the first operation of the force against arms and people smugglers, but was actually later qualified as a training exercise. The deployment in Qaw was not only the first opportunity to use the Kamaz trucks as troop transport vehicles, but also revealed that the PMPF had received new military equipment, including khaki and grey camouflage-style uniforms (in place of the blue uniforms used until the fall of 2011), and bullet-proof jackets, visible in the photograph below published by local media.[48]

Photograph published by local media of PMPF preparing for deployment in Qaw, mid-January 2012[49]

(c) Garowe: The PMPF force and its SCS/Saracen mentors provided security details for the conference organized by UNPOS in Garowe between 15 and 18 February 2012, known as 'Garowe II'. The force was also deployed to secure the Puntland Constitutional Convention, which took place in Garowe from 15 to 18 April 2012.

(d) Eyl: Located 155 kilometres southeast of Garowe, the PMPF deployed troops to Eyl on 1 March 2012. However, the location has not been used by as a base for pirate groups since mid-2010. According to PMPF press releases, the objectives of the deployment of the force in Eyl are to "conduct urban patrols", to "prevent the return of pirates", and to "deny anti-government elements access to the area".[50]

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[48] Accessed on 18 May 2012 at http://www.raxanreeb.com/wp-content/uploads/IMG_54641.jpg.

[49] See Annex 5.3.a.x. for more photographs.

(e) Security detail for a diplomatic mission to Eyl: according to a press statement released on the PMPF website, the PMPF was in charge of the protection of the Italian Ambassador to Somalia, Andrea Mazzella, and his deputy Giuseppe Caposeno, who travelled to Eyl for a one-day trip on 20 April 2012, accompanied by Puntland President Faroole's son Mohamed Faroole, to officially visit district authorities and the local community.[51]

(f) Iskushuban: Located 160 kilometres southeast of Bosaaso, the village of Iskushuban lies on the road to the Hafun peninsula, a well-established pirate hub and anchorage. The PMPF reportedly rehabilitated the Iskushuban airstrip and established there a secondary base for operations in the area, mainly towards Hafun and Hurdiyo. The PMPF became engaged in fighting with a local community militia,[52] and a foreign SCS/Saracen trainer was killed there on 27 April 2012 by members of his own unit.[53]

(g) Hafun: Following deployment in Iskushuban, the PMPF launched on 26 May 2012 an operation on the Hafun peninsula and reportedly arrested seven members of an alleged pirate group, as confirmed by a source close to the PMPF. However, according to local media quoting the Puntland Security Minister General Khalif Isse Mudan, most of these individuals "were not pirates" and have since been released.[54]

(h) Bargaal: According to confidential security reports, on 3 June 2012 the PMPF launched an attack on a pirate group holding the MT SMYRNI (IMO 9493779), a tanker hijacked on 10 May 2012 and anchored 15 kilometres south of Bargaal. The operation, during which three alleged pirates reportedly suffered injuries, did not succeed in liberating the vessel. On 5 June 2012, according to a press statement, the PMPF officially deployed to Bargaal "in pursuit of the Isse Yulux pirate group".[55] However, confidential security reports assert that the town was under control of militias loyal to the breakaway region of Ras-Asayr, based in the district of Alula, which is 20 kilometres north of Bargaal.

(i)Balli Dhiddin: On 6 June 2012, an aerial attack conducted by SCS helicopters on the village of Balli Dhiddin, located 60 kilometres north-east of Iskushuban, in the district of Qandala, was followed by five hours of fighting between PMPF forces on the ground and local militias. According to media and confidential security reports, between 1 to 7 people were killed and several others injured during the attack, including civilians.[56]

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[50] Accessed on 10 April 2012 at http://pmpf.net/press-center/eyl-mayor-puntland-maritime-police-force/ and at http://pmpf.net/press-center/puntland-maritime-police-force-and-the-citizens-of-eyl-work-to-relocate-the-towns-landfill/.

[51] Accessed on 18 May 2012 at http://pmpf.net/press-center/puntland-maritime-police-force-provides-security-for-italian-special-envoy-to-somalias-trip-to-eyl/.

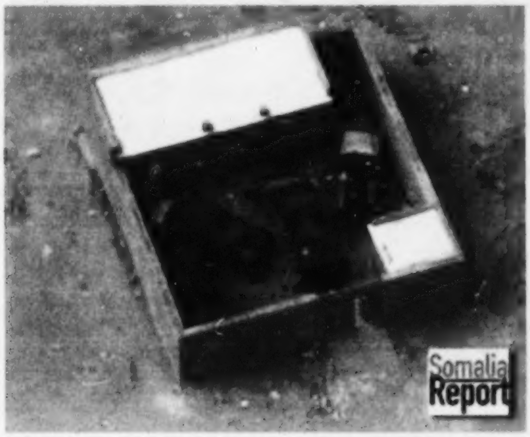
[52] Confidential Security report, 25 April 2012.

[53] Puntland government press release, "Puntland Government Sends Condolences, Investigates Killing of PMPF Trainer", 28 April 2012, accessed on 17 May 2012 at http://pmpf.files.wordpress.com/2012/04/pr_28apr2012_en.pdf; however, according to several confidential security reports received by the Monitoring Group, the SCS mentor was not killed during a "counter-piracy operation" as stated by Puntland authorities but during an argument with members of his unit.

[54] "Puntland says the arrested teenagers from Hafun were not pirates – minister", RBC Radio, 2 June 2012.

[55] Accessed on 6 June 2012 at http://pmpf.net/press-center/update-on-puntland-maritime-police-forces-successful-operation-in-the-bargaal-district/.

"Technicals" under tarps allegedly belonging to "Isse Yulux", parked inside a compound located at Balli Dhiddin, and targeted by an air attack carried out by SCS helicopters on 6 June 2012.[57]



Importation of weapons

58. Saracen International management, representatives and their legal counsel have in the past repeatedly stated that no weapons had ever been imported into Somalia in connection with the training of the PMPF.

59. However, the photograph below, taken at Bosaaso port on 1 November 2010 during the offloading of the MV NOORA MOON 1, clearly displays a Saracen employee carrying an assault rifle which does not seem to be a model typically available in local arms markets.

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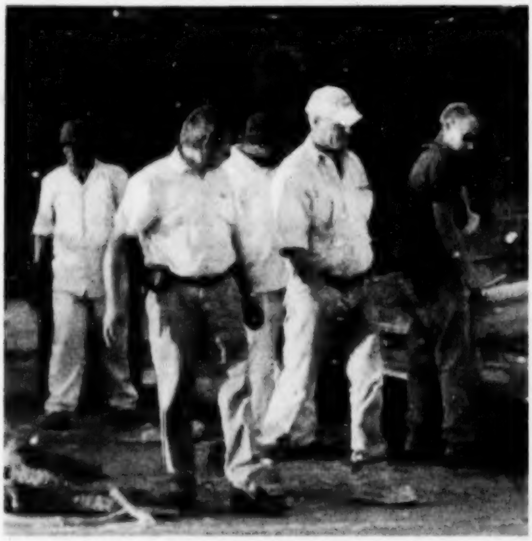
[56] "Puntland Attacks Yulux Pirate Group Again", Somalia Report, 6 June 2012.

[57] Photograph taken by the PMPF and provided to the US-based news website Somalia Report; accessed at http://www.somaliareport.com/images_medium/Technicals.gif on 7 June 2012.

Saracen employees, including one carrying an assault rifle (on the right), supervising the offloading of the MV NOORA MOON 1 at Bosaaso port on 1 November 2010



60. The same day, two other Saracen expatriates were photographed at the same location carrying AK-47 or similar variant, although these weapons are known to be available on the Somali arms market, while the third photograph shows a Saracen employee inside the camp carrying two AK-47 or similar variant and wearing a ballistic vest:

61. Moroever, the Monitoring Group obtained a copy of an email exchange between "Nic" Van Der Bergh (Lafras Luitingh's deputy until December 2011, and his close associate in AAGI South Africa), and Dave Sheer Guns, a South African company claiming to be "one of the leading distributors of

firearms and accessories on the African continent".[58] The email, sent on 14 September 2010 to Nic Van Der Bergh's professional email address (nic@aagi.co.za) from Dave Sheer Guns' Sales Manager, Carina Borchard, clearly states that the entity declared in the End-User Certificates (EUCs) for the weapons should categorically be the company in Uganda. Borchard instructs "Nic" Van Der Bergh as follows:

> PLEASE DO NOT STATE ANYWHERE OR ON ANY DOCUMENTS THAT THESE WEAPONS WILL BE USED ON ANY VESSELS OR PROTECTION ON ANY VESSELS.

62. The implication that these weapons were in fact to be transferred to a destination other than Uganda, not only suggests that Saracen deliberately provided falsified EUCs, with the knowledge of the seller in South Africa, but also intended to re-export these weapons, either to a Saracen theatre of military operations – possibly Somalia, or for use on board vessels protected by AAGI South Africa, known to have been operating inside Somali waters.

63. Similarly, the Monitoring Group has obtained photographic evidence that SCS/Saracen has taken custody of ammunition for the PMPF that has been procured in violation of the arms embargo: a wooden box containing 1,300 rounds of 7.62 millimetres ammunition delivered to the Saracen camp on 18 October 2010, bears clear markings indicating that this ammunition was probably manufactured in 2001.

Box of ammunition delivered by a civilian vehicle to the Saracen camp on 18 October 2010[59]

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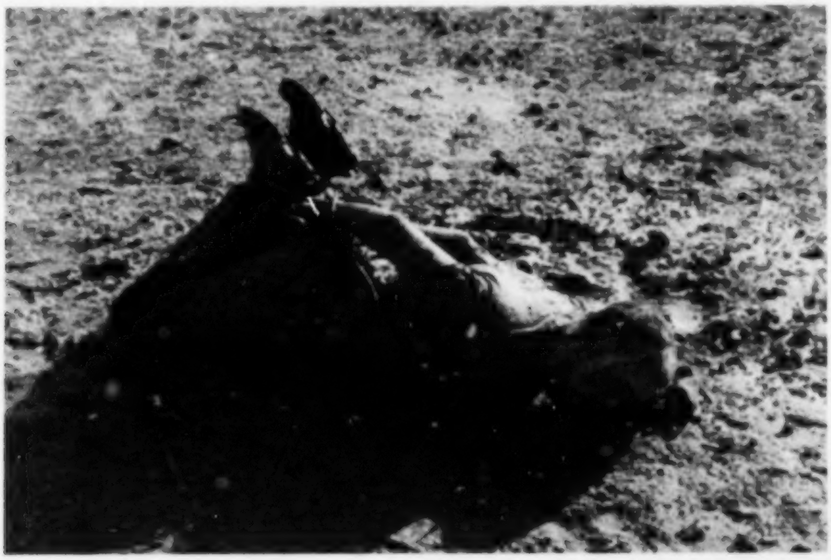
[58] Dave Sheer Guns (enterprise number 2004/114990/23), Orange Grove 368, Johannesburg, South Africa; accessed on 16 May at http://www.davesheer.com/ and at http://www.cipro.co.za/ccc/.

[59] See also Annex 5.3.a.xii.

Extra-judicial punishment

64. The Monitoring Group has obtained photographic evidence from an internal Saracen source showing a Saracen trainee, wearing the typical Saracen blue training uniform, laying down face on the ground, being bound hand and foot with a rope, in the presence of Saracen international staff. Based on these images, and according to the testimony of a credible source with access to Saracen trainees, the trainee died of his injuries on 16 October 2010. The Monitoring Group has made preliminary identification of the victim and is awaiting final confirmation before providing all relevant information to the competent authorities.

Saracen trainee, tied up and showing signs of physical abuse, at the Saracen camp on 16 October 2010[60]



65. The Monitoring Group has received several other credible, but as yet unverified, reports of human rights abuses perpetrated at the Saracen camp west of Bosaaso, including two other cases of corporal punishment leading to severe injuries or death:

- Ibrahim M, who had his hands broken before being fired;
- Hussein G, who died after being beaten with rocks while tied up.

66. However the Monitoring Group has yet to obtain any other photographic evidence or documentation substantiating these two other cases.

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[60] See Annex 5.3.a.xiii.

Legal status of the PMPF

67. In accordance with article 94 of the English version of the Transitional Constitution of Puntland Regional Government of 1998, legally binding at the time of the creation of the force two years ago, the only armed forces constitutionally constituted in Puntland are as follows:

1. The Puntland Army Forces consist of:
    a) Police
    b) Darawish Police Force
    c) Custodial Corps

68. Despite its appellation, the Puntland Maritime Police Force is not in fact a component of the Puntland Police, and does not report to the Minister of Security. Unlike the Police and Darawiish, the PMPF reports directly to the Presidency. Similarly, the Puntland parliament has passed no legislation governing the status and powers of the PMPF.

69. At the time of writing, it is the assessment of the Monitoring Group that the PMPF is primarily employed not in a counter piracy role, but as an elite land unit, operating outside any legal framework, responsible only to the Puntland President. Until its legal status is clarified, the Monitoring Group does not believe that the PMPF can be considered a legitimate 'Somali security force' eligible for external assistance in accordance with the procedures established by Security Council resolution 1772 (2007).

Member State obligations with respect to enforcement of the arms embargo on Somalia

70. Security Council resolution 1844 (2008) decides that Member States should take action to prevent "the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial or other assistance" to Somalia.

71. During the course of its mandate, the Monitoring Group has noted that technical assistance, vehicles, material and equipment provided to the PMPF in Puntland originated from, or transited, ports and airports located in the UAE, Uganda, Ethiopia and South Africa. The Monitoring Group is unaware of any action taken by the governments concerned to fulfil their obligations under resolution 1844 (2008) by preventing such activities.

72. This is particularly disturbing with respect to South Africa, from which Saracen/SCS operations ultimately originate. The "Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act, 2006" of the Republic of South Africa completely prohibits, in paragraph 2, any person to "participate as a combatant for private gain in an armed conflict" or any person to "directly or indirectly recruit, use, train, support or finance a combatant for private gain in an armed conflict" and applies to all South African citizens and residents.[61] The Monitoring Group therefore urges the South African Government to determine not only whether SCS/Saracen's activities

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[61] Republic Of South Africa, Government Gazette, Volume 509, Number 30477, 16 November 2007.

may constitute a violation of applicable Security Council resolutions, but also whether they constitute potential violations of domestic South African law.

73. Moreover, despite repeated requests, the Governments of the United Arab Emirates, Uganda, Ethiopia and South Africa have not replied to correspondence from the Monitoring Group requesting information on individuals and entities based in their territories who provide support to the PMPF in breach of the sanctions regime, nor to requests concerning cargo manifests, airway bills, bills of lading, customs declarations and lists of passengers, related possibly to the importation of military, dual-use material or equipment in assistance to security forces in Somalia in violation of Security Council resolutions 733 (1992) and 1425 (2002).[62]

74. The Puntland State of Somalia has refused to cooperate with the Monitoring Group and denied requests for missions to Puntland for the purpose of meeting with officials in Garowe and Bosaaso, to address, *inter alia*, issues related to support to security sector in Puntland.[63] The Monitoring Group regrets the decision of the Puntland authorities to withhold their cooperation with the Monitoring Group and has conveyed this information to the Chairman of the Security Council Committee on Somalia and Eritrea. It is the opinion of the Monitoring Group that this denial of cooperation by the Puntland authorities constitutes potential obstruction of the work of the Monitoring Group.

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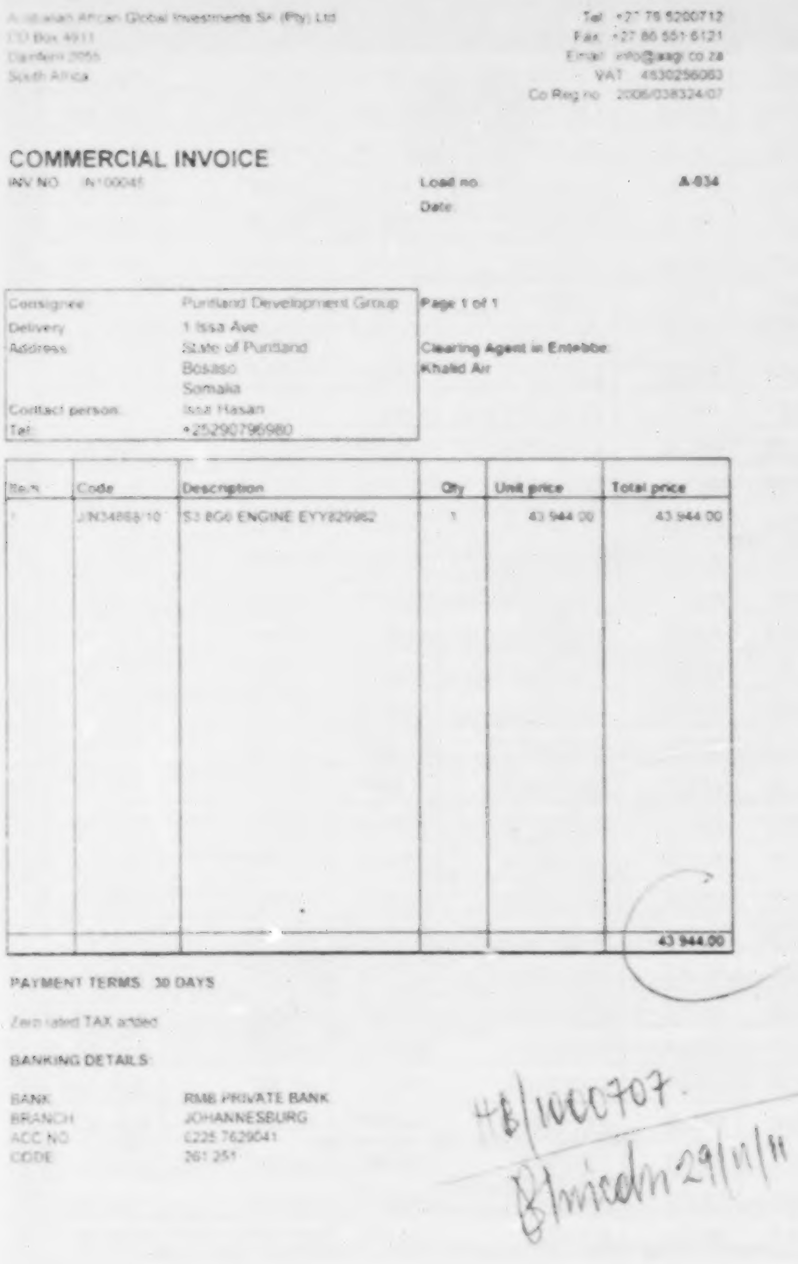
[62] Official Correspondences to the Government of the UAE, 4 May 2011 and 9 March 2012; Official Correspondence to the Government of Uganda, 12 March 2012; Official Correspondence to the Government of Ethiopia, 19 March 2012; Official Correspondence to the Government of South Africa and email to the South African Mission to the United Nations, 9 May 2012 and 20 March 2012.

[63] Email communication, 20 March 2012, and letter to the Monitoring Group, 9 June 2012.

Annex 5.3.a.i.: Air waybill and invoice issued by AAGI SA (PTY) LTD for a generator destined to the Puntland Development Group, SCS/Saracen local partner in Bosaaso



Australian African Global Investments SA (Pty) Ltd
PO Box 4911
Dainfern 2055
South Africa

Tel +27 76 5200712
Fax +27 86 551 6121
Email info@aagi.co.za
VAT 4530256083
Co Reg no 2006/038324/07

COMMERCIAL INVOICE

INV NO IN100045

Load no A-034
Date

Consignee	Puntland Development Group
Delivery	1 Issa Ave
Address	State of Puntland Bosaso Somalia
Contact person	Issa Hasan
Tel	+25290796980

Page 1 of 1

Clearing Agent in Entebbe
Khaled Air

Item	Code	Description	Qty	Unit price	Total price
1	JN34868/10	S3 8G6 ENGINE EYY829962	1	43 944.00	43 944.00
					43 944.00

PAYMENT TERMS 30 DAYS

Zero rated TAX added

BANKING DETAILS:

BANK	RMB PRIVATE BANK
BRANCH	JOHANNESBURG
ACC NO	6225 7629041
CODE	261 251

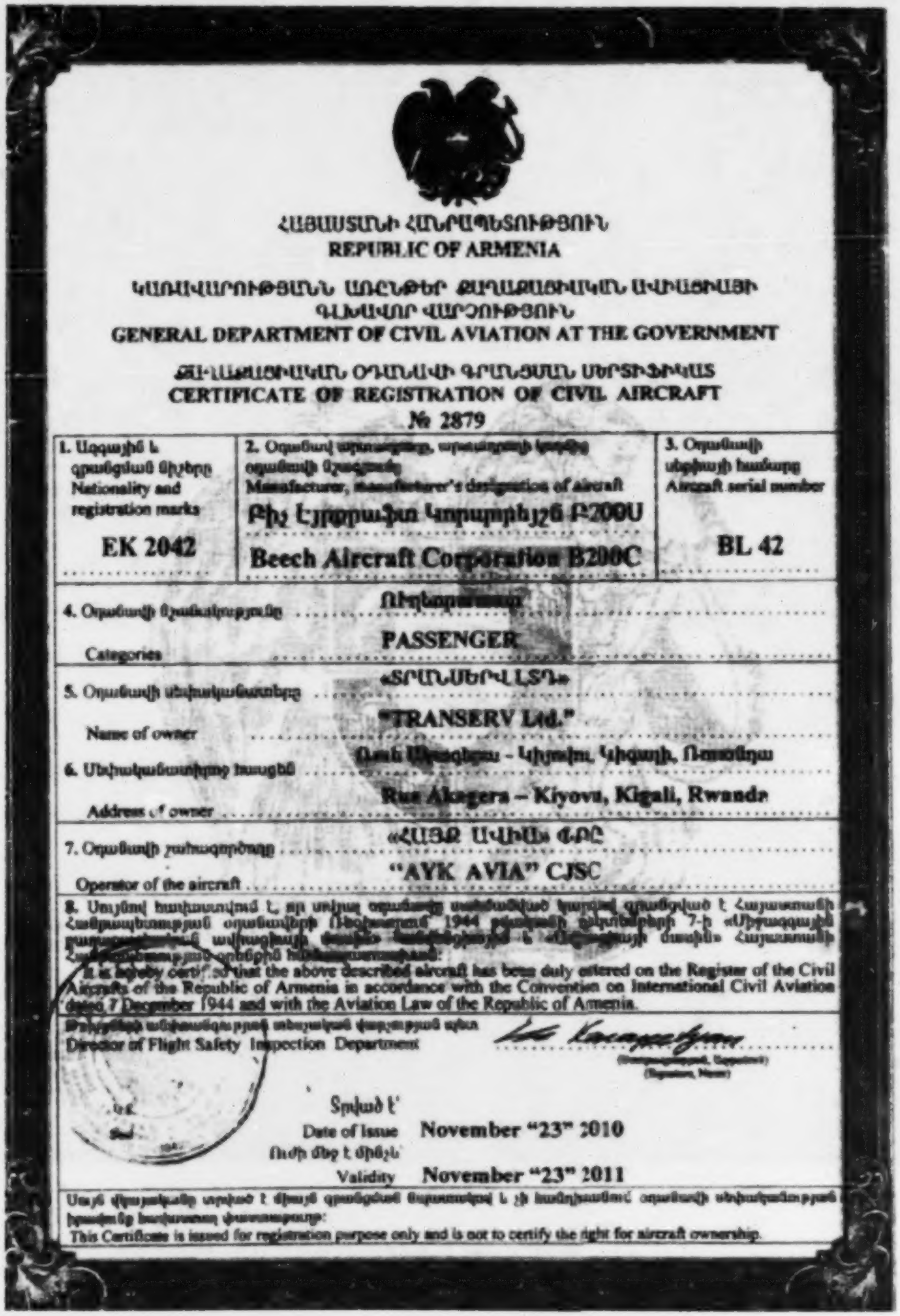
48/1000707.

29/11/11

Annex 5.3.a.ii.: Cargo flights chartered by Saracen International/SCS from Entebbe, Uganda, and Fujeirah, UAE, from June to December 2011

Date	Flight Number	Type of Aircraft	Aircraft Registration	Origin	Destination	Operator
2011/06/13	AYK2026	AN32	EK32410	HADR	HCMF	Ayk Air
2011/06/14	AYK2027	AN26	EK32410	OMFJ	HCMF	Ayk Air
2011/06/17	AYK2026	AN32	EK32410	HDAM	HCGR	Ayk Air
2011/06/29	AYK2026	AN32	EK32410	HADR	HCMF	Ayk Air
2011/07/01	AYK2027	AN32	EK32410	OMFJ	HCMF	Ayk Air
2011/07/08	AYK2027	AN12	EK32410	OMFJ	HCMF	Ayk Air
2011/07/16	AYK2026	AN32	EK32410	HADR	GAROE	Ayk Air
2011/07/18	AYK2027	AN32	EK32410	OMFJ	HCMF	Ayk Air
2011/07/19	AYK2026	AN32	EK32410	HUEN	HCMM	Ayk Air
2011/07/24	AYK2026	AN32	EK32410	HADR	HCMF	Ayk Air
2011/07/25	AYK2027	AN32	EK32410	OMFJ	HCMF	Ayk Air
2011/07/31	AYK2026	AN32	EK32410	HADR	HCMF	Ayk Air
2011/08/12	AYK9028	AN32	EK32604	OYRN	HCMF	Ayk Air
2011/08/15	AYK9028	AN32	EK32604	HUEN	HCMM	Ayk Air
2011/08/16	AYK9028	AN32	EK32604	HUEN	HCMM	Ayk Air
2011/08/28	AYK9028	AN32	EK32604	HADR	HCMF	Ayk Air
2011/09/10	AYK2026	AN32	EK32410	OMFJ	HCMF	Ayk Air
2011/09/15	AYK9027	BE20	EK2042	HUEN	HCMM	Ayk Air
2011/09/16	AYK2026	AN32	EK32410	OMFJ	HCMF	Ayk Air
2011/09/20	AYK9027	BE20	EK2042	HUEN	HCMM	Ayk Air
2011/09/20	AYK9028	AN32	EK32604	HADR	HCMF	Ayk Air
2011/09/22	AYK2026	AN32	EK32410	HADR	HCMF	Ayk Air
2011/10/03	AYK2026	AN32	EK32604	OMFJ	HCMF	Ayk Air
2011/10/05	AYK9028	AN32	EK32604	OMFJ	HCMF	Ayk Air
2011/10/09	AYK9027	BE20	EK2042	HADR	HCMF	Ayk Air
2011/10/09	AYK9028	AN32	EK32604	OMFJ	HCMF	Ayk Air
2011/10/17	AYK2026	AN32	EK32410	HADR	HCMF	Ayk Air
2011/10/26	AYK9027	BE20	EK2047	HAAB	HCMF	Ayk Air
2011/11/05	AYK9028	AN32	EK32604	OMFJ	HCMF	Ayk Air
2011/11/11	AYK2026	AN32	EK32410	HADR	HCMF	Ayk Air
2011/11/12	AYK9027	BE20	EK2047	HADR	HCMF	Ayk Air
2011/11/12	AYK2026	BE20	EK32410	HADR	HCMF	Ayk Air
2011/11/22	AYK9027	BE20	EK2047	HADR	HCMF	Ayk Air

Annex 5.3.a.iii.: Certificate of registration from the Armenian General Department of Civil Aviation of the Beechcraft 200 series owned by Transerv Limited (Rwanda)



ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅՈՒՆ
REPUBLIC OF ARMENIA

ԿԱՌԱՎԱՐՈՒԹՅԱՆՆ ԱՌԸՆԹԵՐ ՔԱՂԱՔԱՑԻԱԿԱՆ ԱՎԻԱՑԻԱՅԻ ԳԼԽԱՎՈՐ ՎԱՐՉՈՒԹՅՈՒՆ
GENERAL DEPARTMENT OF CIVIL AVIATION AT THE GOVERNMENT

ՔԱՂԱՔԱՑԻԱԿԱՆ ՕԴԱՆԱՎԻ ԳՐԱՆՑՄԱՆ ՍԵՐՏԻՖԻԿԱՏ
CERTIFICATE OF REGISTRATION OF CIVIL AIRCRAFT
№ 2879

1. Ազգային և գրանցման նիշերը Nationality and registration marks	2. Օդանավ [illegible] օդանավի նշագրումը Manufacturer, manufacturer's designation of aircraft	3. Օդանավի սերիական համարը Aircraft serial number
EK 2042	Բիչ Էյրքրաֆտ Կորպորեյշն Բ200Ս Beech Aircraft Corporation B200C	BL 42

4. Օդանավի նշանակությունը .... Ուղևորատար
Categories .... PASSENGER

5. Օդանավի սեփականատերը .... «ՏՐԱՆՍԵՐՎ ԼՏԴ»
Name of owner .... "TRANSERV Ltd."

6. Սեփականատիրոջ հասցեն .... Ռուե Ակագերա - Կիյովու, Կիգալի, Ռուանդա
Address of owner .... Rue Akagera – Kiyovu, Kigali, Rwanda

7. Օդանավի շահագործողը .... «ՀԱՅՔ ԱՎԻԱ» ՓԲԸ
Operator of the aircraft .... "AYK AVIA" CJSC

8. Սույնով հավաստվում է, որ սույն օդանավը [illegible] գրանցված է Հայաստանի Հանրապետության օդանավերի [illegible] 1944 թվականի [illegible] 7-ի «Միջազգային [illegible] ավիացիայի [illegible] և «[illegible]» Հայաստանի Հանրապետության օրենքին համապատասխան:
It is hereby certified that the above described aircraft has been duly entered on the Register of the Civil Aircrafts of the Republic of Armenia in accordance with the Convention on International Civil Aviation dated 7 December 1944 and with the Aviation Law of the Republic of Armenia.

Թռիչքների անվտանգության տեսչական վարչության պետ
Director of Flight Safety Inspection Department

(Ստորագրություն, Ազգանուն)
(Signature, Name)

Seal

Տրված է
Date of Issue November "23" 2010
Ուժի մեջ է մինչև
Validity November "23" 2011

Սույն վկայականը տրված է միայն գրանցման նպատակով և չի հանդիսանում օդանավի սեփականատիրության իրավունքը հաստատող փաստաթուղթ:
This Certificate is issued for registration purpose only and is not to certify the right for aircraft ownership.

Annex 5.3.a.iv.: Certificate of registration of TranServ Ltd signed by Jamal Balassi

1. RAISON SOCIALE
CORPORATE NAME
Izina ry'isosiyete TRANSERV LTD

2. Objet de la société
Goal of the company
Icyo isosiyete igamije SERVICES

3. Capital souscrit
Subscribed capital
Imari [illegible] RWF =100.000.000=

4. Adresse du siège social
Address of the Head Office
Icyicaro cy'iyo Sosiyete
KIGALI CITY

5. Catégorie commerciale
Trade category
Urwego rw'ubucuruzi SERVICES

6. Activités à exercer
Activities to engage in
Imirimo y'ubucuruzi [illegible]
TRANSPORT AND RELATED SERVICES AND MAINTENANCE GENERAL TRADING, TRAINING

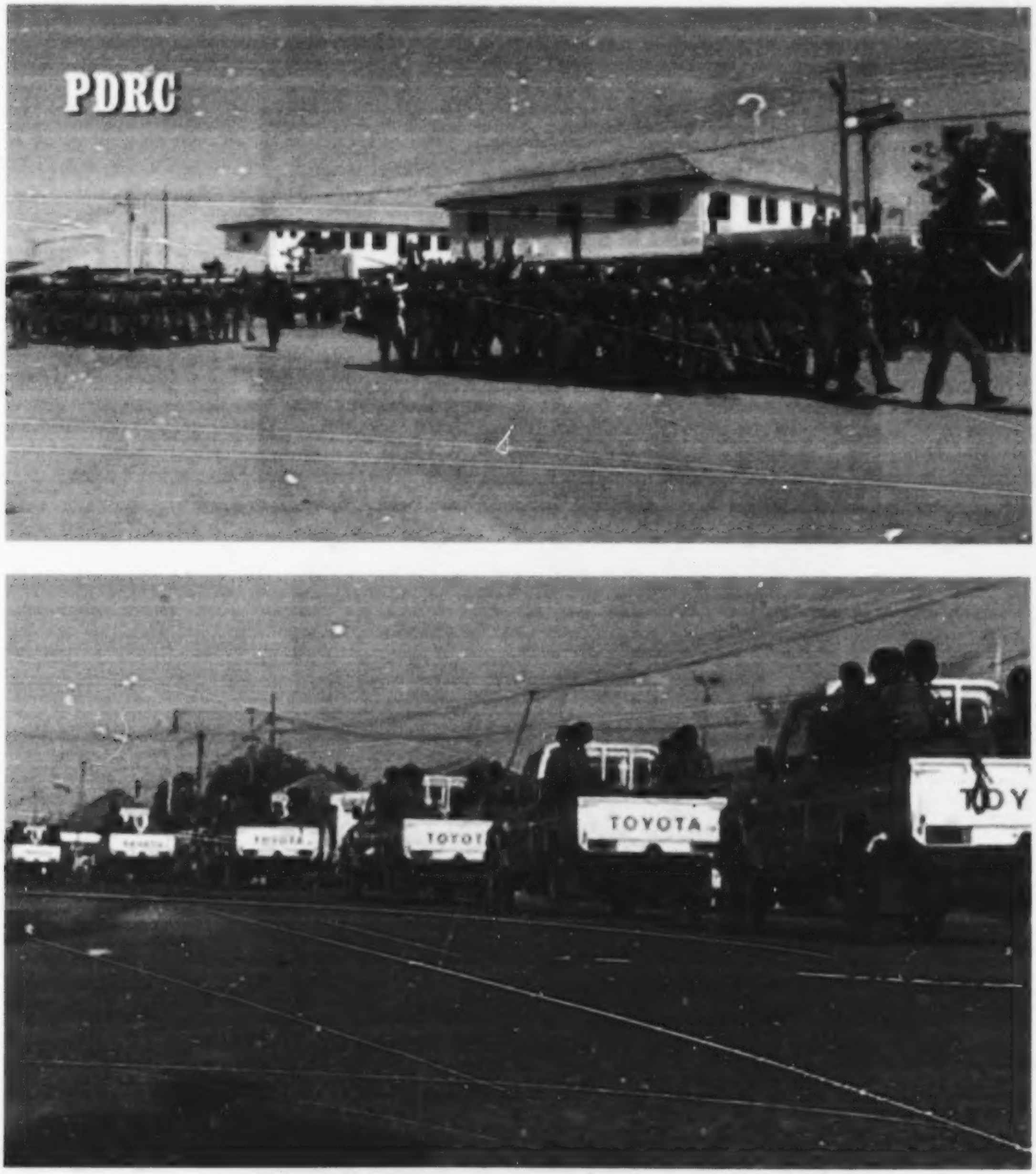
7. Nom commercial de l'établissement
Name of the company
Izina [illegible]
TRANSERV LTD

8. Centre de commerce et adresse du siège d'exploitation/Center of trade and address of the head office
[illegible]
KIGALI CITY

9. Nom, prénom et signature des personnes mandatées pour la gestion de la société
Name, first name and signature of the mandated people for the management of the company
[illegible]
JAMAL BALASSI

Délivré à /Delivered at / [illegible]
Le / At / Italiki ya 21/04/[illegible]
Nom/Izina Signature/[illegible]
et cachet de l'Agence/Stamp of [illegible]
Kashe y'ikigo
Frank [illegible]

Annex 5.3.a.v.: PMPF parading in front of President Faroole in Garowe, 1 August 2011[1]



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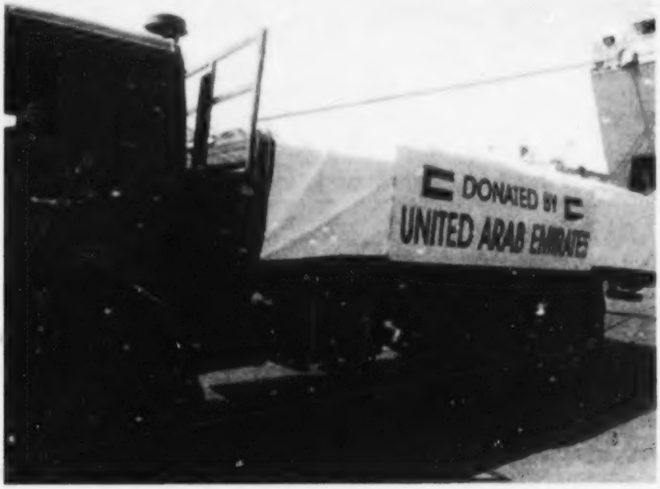
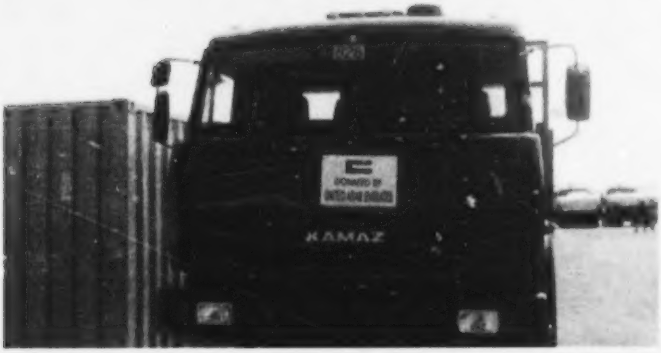
[1] Posted by HorseedNet on 2 August 2012 and accessed on 15 May 2012 at http://www.youtube.com/watch?v=EATgn3uQFCc.

Annex 5.3.a.vi.: Kamaz 6-wheel-drive trucks used to transport initially humanitarian assistance donated by the United Arab Emirates and then PMPF troops


DONATED BY
UNITED ARAB EMIRATES



Annex 5.3.a.vii.: PMPF organizing large-scale military convoys in military-style formation to deliver humanitarian assistance and water, 31 March 2011

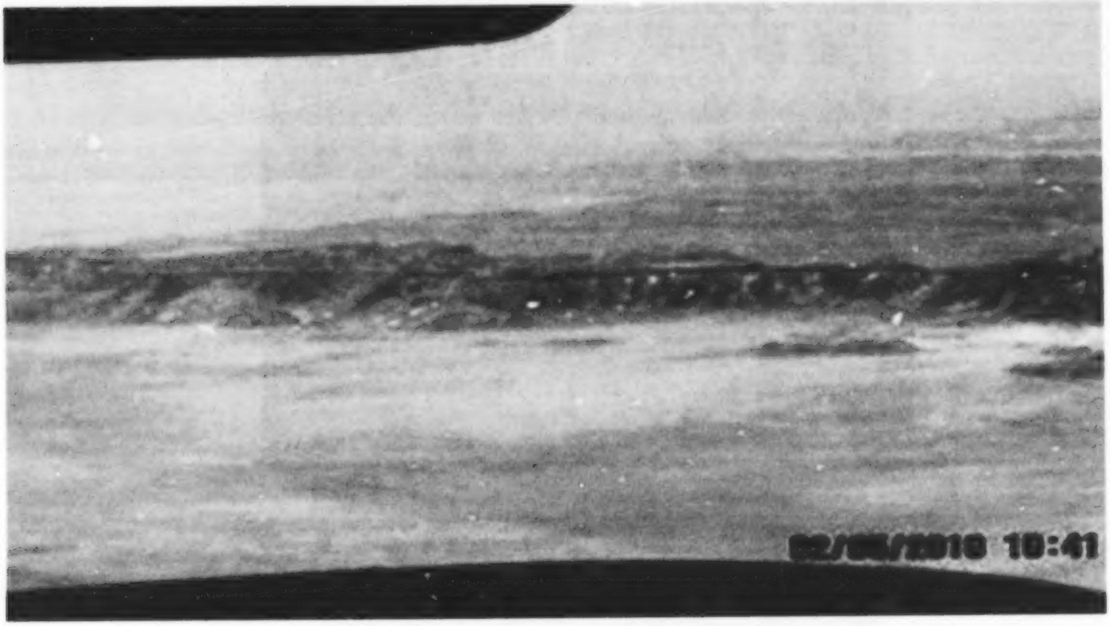
Horseed Media

Horseed Media

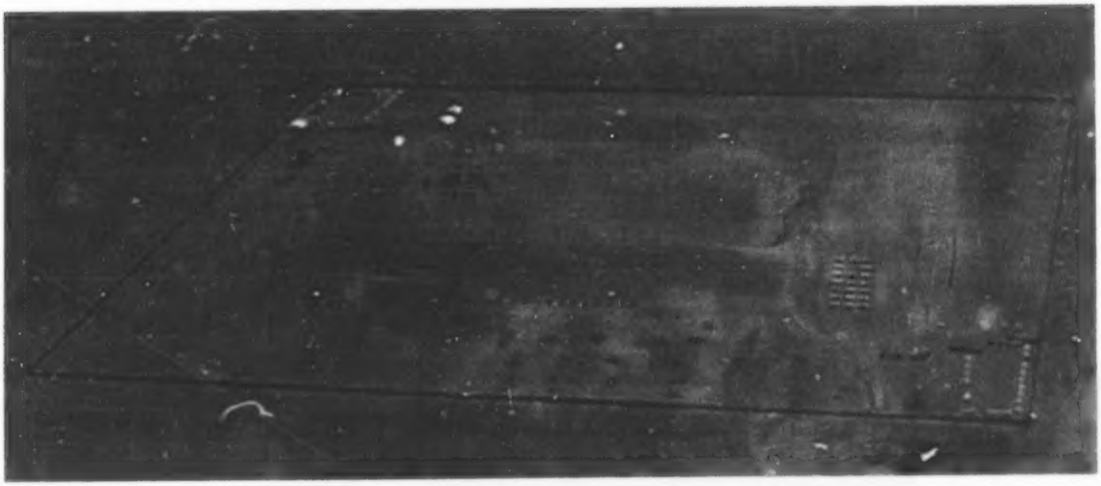
Horseed Media
TOYOTA

Annex 5.3.a.viii.: Aerial photograph illustrating the development of the SCS/Saracen training camp

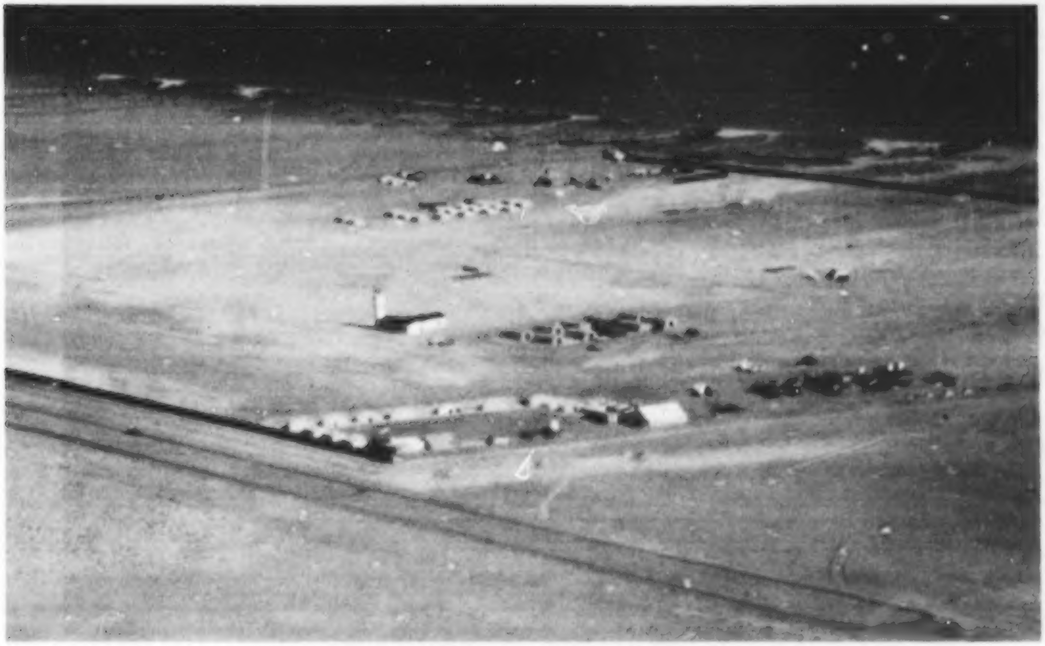
On 2 May 2010



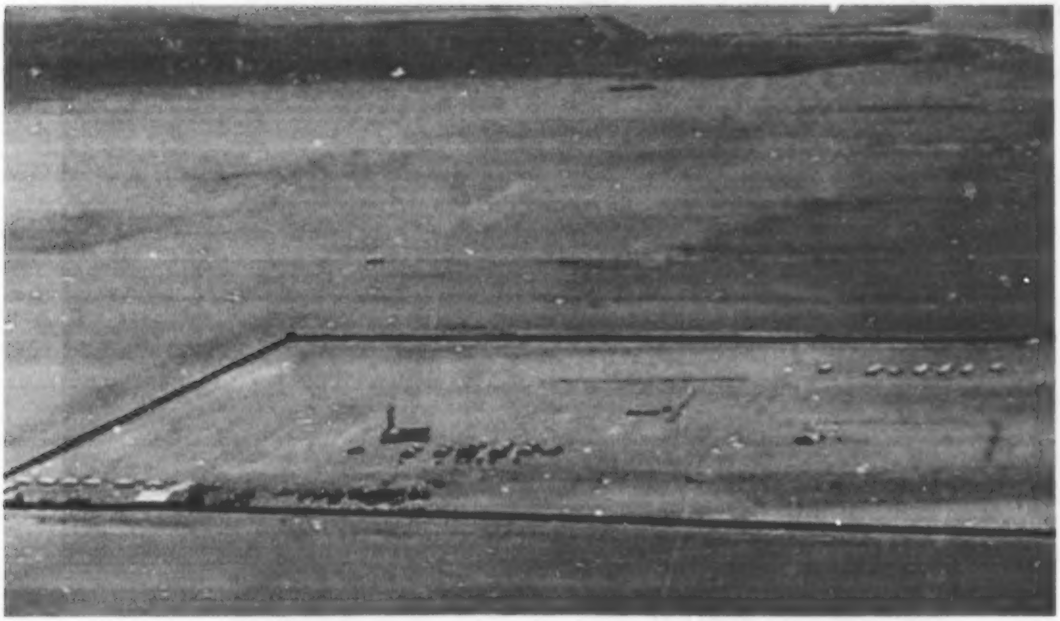
In February 2011



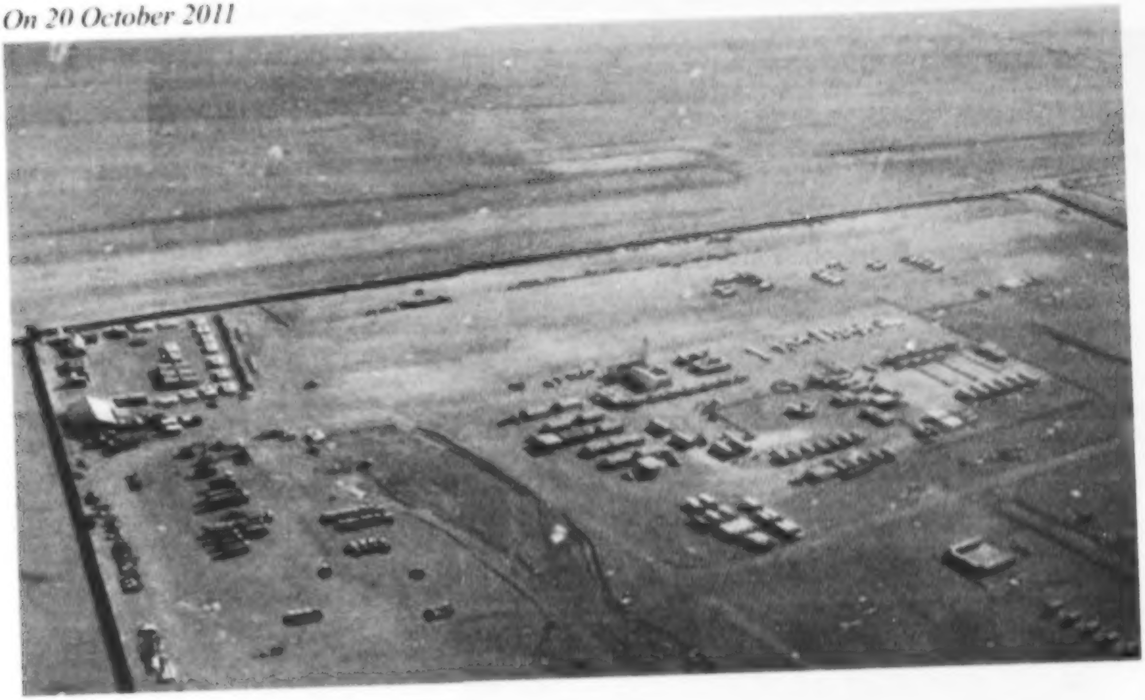
On 30 April 2011



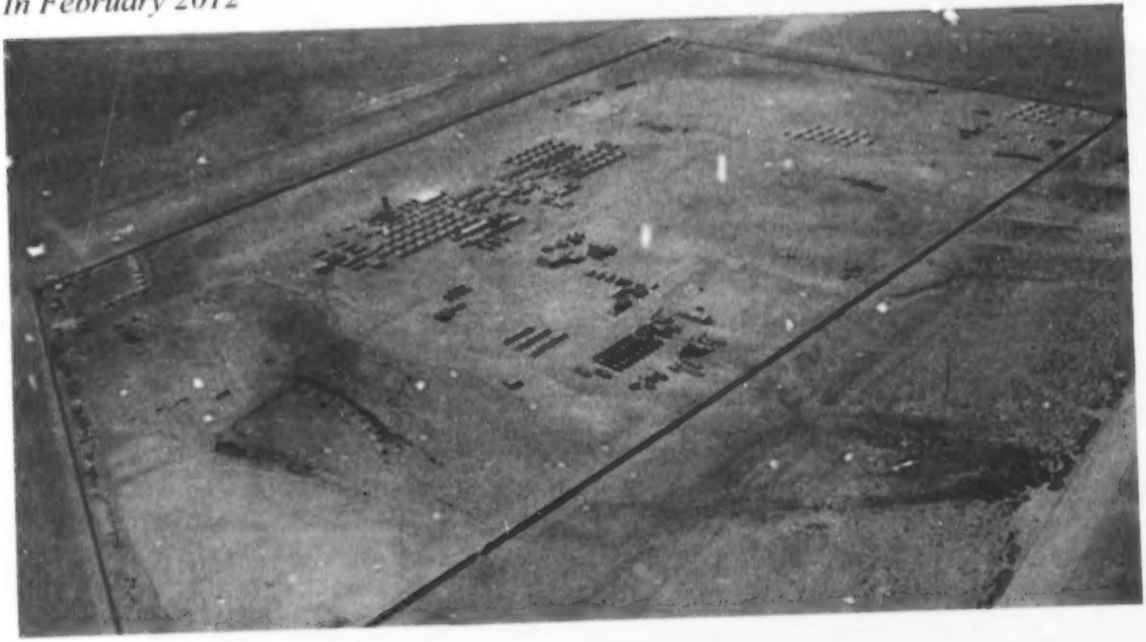
On 3 May 2011



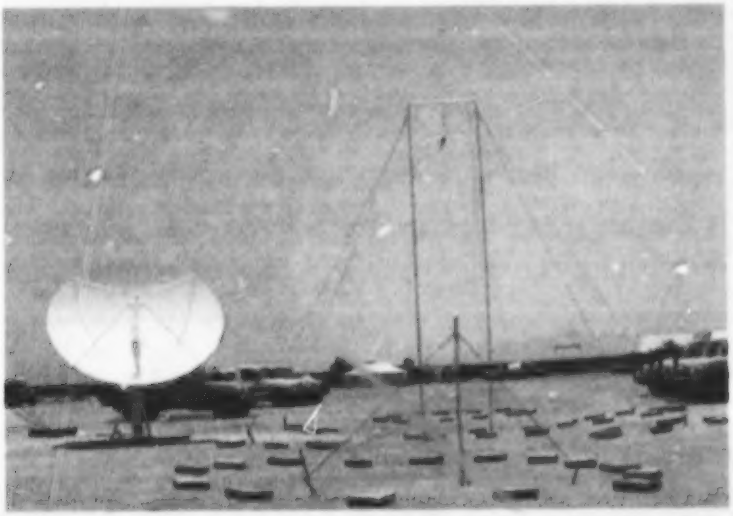
On 20 October 2011

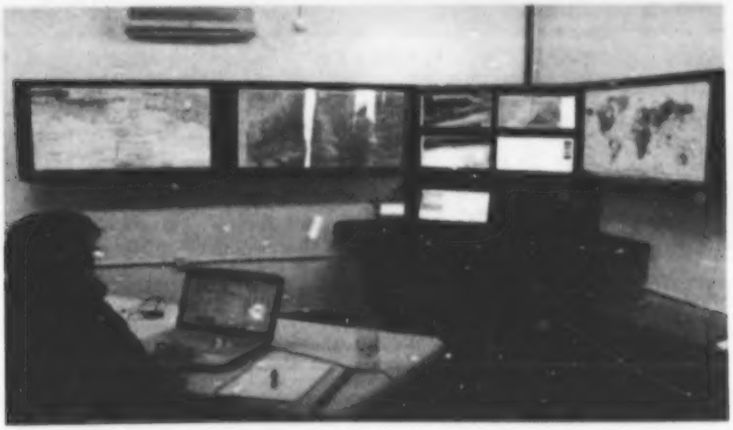


In February 2012

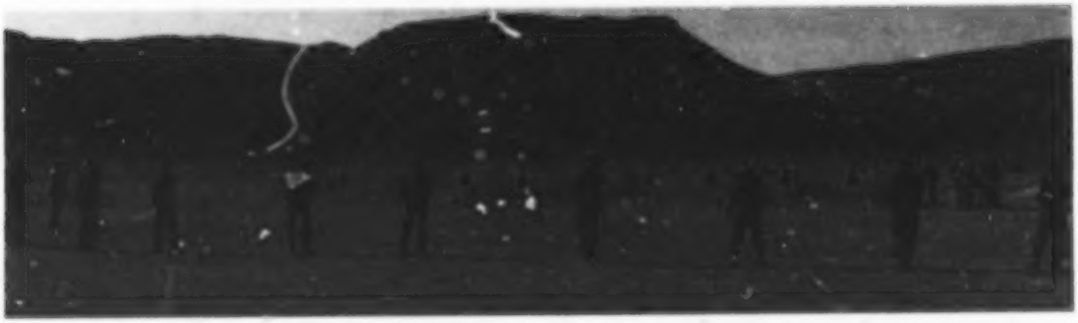


Annex 5.3.a.ix.: SCS/Saracen camp facilities, including communication equipment, control tower and command and control centre

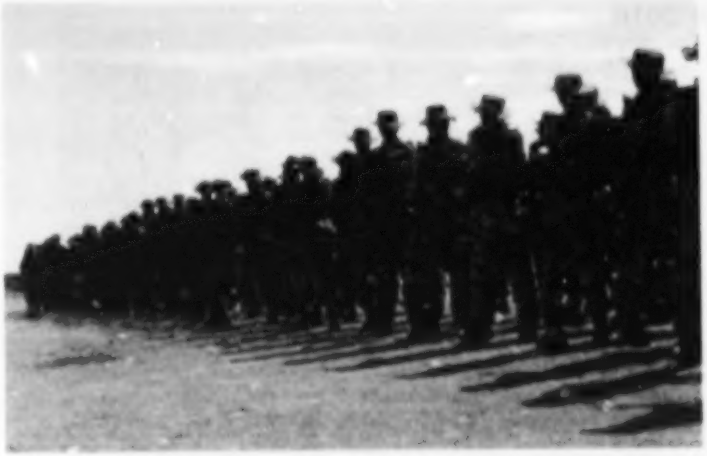


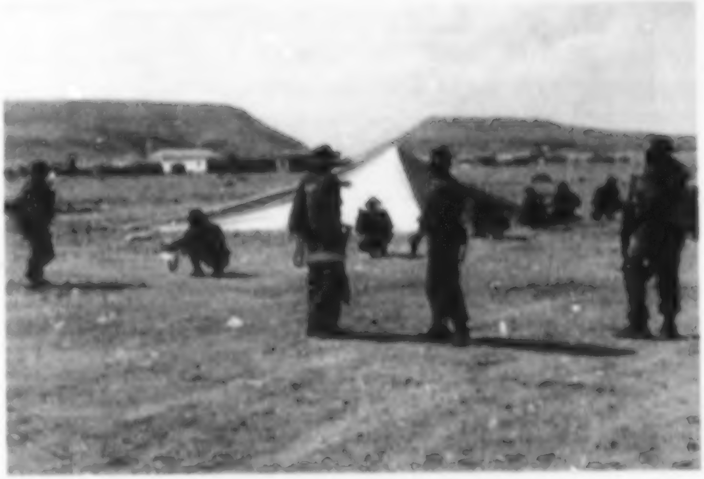


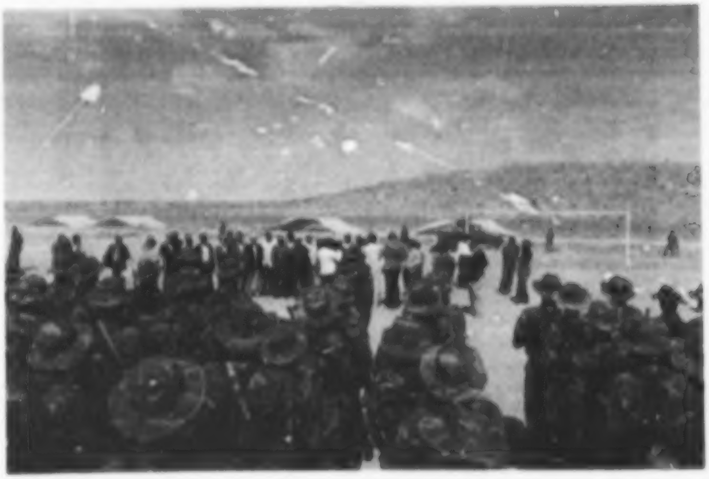
Annex 5.3.a.ix.: Photographs of PMPF training



Annex 5.3.a.x.: Photographs of PMPF deployment in Qaw, mid-January 2012

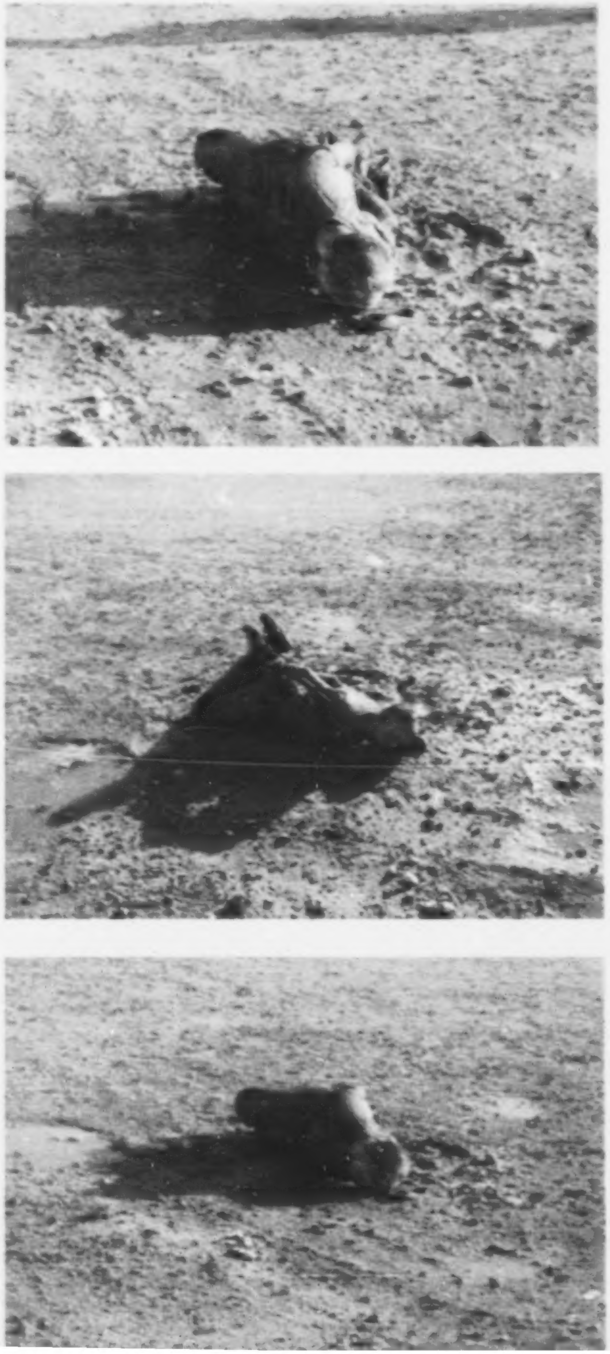






Annex 5.3.a.xi.: Delivery of weaponry to the Saracen camp west of Bosaaso, including AK-47 assault-rifles or similar variaat and ammunitions, by a civilian car on 18 October 2010

Annex 5.3.a.xii.: Saracen trainee, tied up and with signs of violence, at the Saracen camp on 16 October 2010



Annex 5.3.b.: Case study: Africa Oil and Pathfinder Corporation (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 5.3.c.: Case study: Bancroft Global Development (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 5.4.: Private Maritime Security Companies (PMSCs) and Floating Armouries

1. The burgeoning activities of Private Maritime Security Companies (PMSCs) offering armed protection to ships and crews traversing the High Risk Area (HRA)[1] off the coast of Somalia have been extensively discussed in the Monitoring Group's July 2011 report, which also raised a number of concerns about the rapid growth of this largely unregulated industry.

2. International organisations like IMO[2] and BIMCO[3] apparently share these concerns, and have since made significant efforts to provide the shipping industry and concerned governments with 'guidelines', 'recommendations' and 'model contracts' to govern the employment and use of security guards on board merchant vessels.[4]

3. However, the expansion of PMSC activities has outpaced these tentative regulatory efforts, and although guidance and recommendations have led to some improvement, their armed operations remain unmonitored and largely unregulated.[5]

Management, storage and disposal of PMSC weapons

4. PMSCs are currently holding approximately 7,000 weapons in circulation,[6] which are either owned or rented. The vast majority are acquired through legal channels and procedures, which are generally laborious and time consuming. However, the continued absence of oversight by an international regulatory authority provides a window for some PMSCs to use illegal or unregistered weapons, some reportedly acquired from dealers in Yemen and Egypt.

5. Due to very high profits PMSCs can afford to dispose of weapons and ammunition at sea before disembarking at transit ports – especially those ports that charge high fees or employ strict regulations governing the transit and storage of weapons.[7]

6. Weapons can be officially leased from certain Governments through intermediaries for the short or long term:[8] an option that, when strictly regulated, probably provides the greatest degree of

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[1] Area bounded by Suez and the Strait of Hormuz to the North, 10°S and 78°E, which comprises the Red Sea, Gulf of Aden, Arabian Sea, Gulf of Oman and parts of the wider Indian Ocean."

[2] International Maritime Organization.

[3] The Baltic and International Maritime Council.

[4] E.g. MSC.1Circ.1405-ref1; MSC.1Circ.1406-ref1; MSC.1Circ.1408-ref1; BIMCO/Guardcon model contract and guidance.

[5] More than 200 private companies are believed to be providing armed maritime security services.

[6] Legal weapons, albeit some unregistered. 90% include semi-automatic rifles.

[7] Djibouti and South Africa are reputed to employ strict but workable regulations for transit or temporary storage of weapons and ammunition.

[8] The Governments of Djibouti, Sri Lanka and Comoros are renting out Government owned weapons to PMSC's through appointed private companies identified by the Monitoring Group.

oversight.[9] However, experience has already shown that keeping track of these weapons and monitoring their use remains challenging.

7. In 2011, the Sri Lankan Government reportedly lost track of hundreds of government-owned weapons that it had rented out to PMSCs.[10] In one case, 3 Kalashnikov-pattern semi-automatic rifles, leased or sub-leased to a UK-registered PMSC, Marine Risk Management S.A., were taken on board the Finnish-flagged bulk carrier 'Alppila' at Galle (Sri Lanka) on 3 September 2011, for escort to Gibraltar. When the Sri Lankan government custodian accompanying the weapons flew back to Sri Lanka from Gibraltar on 22 October 2011, the weapons were abandoned in Gibraltar by Marine Risk Management, and ostensibly 'disappeared' until the Alppila reached its next Port of Call, Police[11], in Poland, where they were found and seized by the authorities on 8 November 2011.

8. Weapons in transit are usually embarked, disembarked and stored in regional ports, including some located in countries facing political unrest, where application of security and storage protocols can be lax. This poses the potential problem of weapons going 'missing', especially when storage is required for longer periods. Egypt for example, which is located at the end of the HRA, requires PMSCs to store weapons in Suez when leaving for the Mediterranean, for a fee of US$ 2,000 per month.[12]

Floating Armouries

9. Some countries bordering the Red Sea, Arabian Sea and Gulf of Oman, are virtually inaccessible for armed PMSCs, imposing severe restrictions or prohibitions under national law.[13] Other States, such as Somalia and Eritrea, have been placed under UN arms embargos. Such constraints – as well as the desire of PMSCs to save time and money by avoiding port transits – have led to the emergence of privately-owned 'floating armouries': typically older vessels (such as tugs, supply and research vessels), used as platforms for storing and transferring weapons and ammunition at sea, outside national territorial waters.[14] Some 18 vessels are currently acting as floating armouries, deployed mainly in the Red Sea, Gulf of Oman and the Mozambique Channel.[15]

10. This new and highly profitable business for PMSCs is uncontrolled and almost entirely unregulated, posing additional legal and security challenges for all parties involved. In the absence of Flag State and/or Government oversight, some owners or operators of floating armouries do not

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[9] E.g. Djibouti.

[10] Information obtained from reliable source with direct links to the Government of Sri Lanka.

[11] Port city in Poland.

[12] Information and related documents obtained form maritime source May 2012.

[13] Oman, Saudi Arabia, United Arab Emirates.

[14] Some are reportedly also renting out weapons.

[15] Owned or operated by the following companies: Ekitala International (South-Africa); FRC Sarmed (Egypt); Maritime guard Group RMC FZE (UAE); Gulf of Aden Group Transits / GoAGT (Seychelles); GAC Ltd. (UAE); Drum Cussac Ltd. (Jersey); Protection Vessels International Ltd. (UK); Ambrey Risk Ltd. (UK); Solace Global Maritime Ltd. (UK); Armed Piracy Defence (U.S.); Moran Maritime Group Ltd. (Russia); Djibouti Maritime Security Services Ltd. (Djibouti); Mercator International Ltd. (UK).

accept any liability for personnel, weapons or equipment. And since proper inspection of such vessels is non-existent, there is no guarantee that minimum safety standards for the safety and storage of arms and ammunition are applied.

Threats to Peace and Security

11. While some PMSCs acknowledge the importance of complying with existing international resolutions and national legislation, others are either ignorant or simply believe that they can afford to disregard them. In mid-2011, for example, a PMSC offered a shipping company, in return for hard cash,[16] to rescue a hijacked crew and vessel by use of force, engaging in a firefight with pirates if needed.[17] On other occasions, PMSCs have provided armed escort services to merchant vessels docking in Somalia without authorization from the Committee and thus technically in violation of the arms embargo. In November 2011, the Belize-flagged and Lebanese-owned bulk carrier 'Judi Alamar' entered the port of Berbera, Somalia, with a consignment of bulk wheat escorted by an armed security team from the PMSC *Muse Professional Group*.[18] The vessel stayed in Berbera for several days.

12. On 12 February 2012, the *Advanfort Texas* and *Advanfort Alaska* -- two vessels designed to provide maritime security services, belonging to the U.S.-registered PMSC *Advanfort Company* – encountered distress and were forced to break off their journey, seeking urgent assistance at Massawa, Eritrea.[19] Arriving in Massawa, both vessels and their crews were impounded and arrested by the Eritrean authorities. [20] According to the company, the vessels were routing from Alexandria (Egypt) to Djibouti and had no firearms or security equipment on board.[21]

13. At the end of March 2012 Nacala District Commander Adriano Muianga and four of his of his subordinates in the Mozambican Police Force were arrested and charged with having stored 62 weapons owned or leased by PMSCs, as well as ammunition and security equipment, without knowledge of their superiors or authorisation by the proper authorities.[22] According to a maritime source familiar with the case, some of the confiscated weapons belong to 'Special Projects Group – Maritime Security Consultancy' (SPG-MSC), a UK/Comoros-based PMSC appointed by the Government of the Union of the Comoros to rent out Government-owned weapons and facilitate embarkation/disembarkation and storage of PMSCs' weapons on the Comoros Islands.[23]

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[16] Reportedly US$1,5 million of which 0,5 million in advance.

[17] Interview with the owners of a hijacked vessel on 26 November 2011.

[18] PMSC, reportedly emerged with Varamar Ltd., based in Ukraine.

[19] Reportedly because of fuel shortage and water running into one of the vessels.

[20] 8 Filipinos and 1 Egyptian.

[21] Crew and vessels were still held by the time of writing (end of May).

[22] http://allafrica.com/stories/201204090692.html;
http://www.clubofmozambique.com/solutions1/sectionnews.php?secao=mozambique&id=24481&tipo=one;
http://portaltoafrica.com/news/africa/general/police-defy-judiciary/;
http://www.cta.org.mz/lib/Newsletters%20AIM%20CTA/AIM%20CTA%20NL%2086.pdf.

[23] Email 18 May 2012 from reliable maritime source familiar with the case and the PMSC business in general.

14. On 22 April 2012, media sources reported the arrest of 3 British citizens in Hurghada, Egypt, allegedly charged with smuggling of weapons.[24] The men reportedly had ammunition magazines, laser-guided sniper rifles, radios, bullet proof vests, helmets and spare parts for automatic weapons hidden in their 20m steel hull, Panama-flagged yacht, which is used as a floating armoury.[25] A reliable maritime source told the Monitoring Group that the 3 detainees are employees of UK-based PMSC *Solace Global Maritime*. They allegedly entered the port to buy tax-free fuel and declared to their agent that they had no weapons with them.

15. Such incidents serve to highlight the risks of allowing the unmonitored and unregulated expansion of PMSC activities in the region. The innovation of privately owned and operated 'floating armouries', beyond any national jurisdiction, represents a new cause for concern. Unless a mechanism for international regulation, monitoring, and inspection of PMSC activities is established, there is a genuine risk that the exploitation of the maritime security industry by unscrupulous and criminal actors, will eventually come to represent a threat to regional peace and security, rather than part of the solution.

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[24] http://www.egyptindependent.com/news/3-british-nationals-charged-arms-smuggling-imprisoned-15-days.

[25] Reportedly called 'Solace of the Coves'.

Annex 5.5.: Non-compliant States and Organizations

1. Non-compliance by Member States and International Organizations has become a growing problem in Somalia over the past year, with an increasing number of countries providing assistance to Somali security sector institutions without prior approval of the Committee.

2. The Monitoring Group has documented 144 flights to Somalia operated on behalf of 12 Member States of the United Nations, either of a military nature or in apparent connection with support to Somali security sector institutions, that have not been notified to the Committee on Somalia and Eritrea, and therefore represent a potential technical violation of the arms embargo.[1] At the time of writing, only the Government of Egypt had replied to Monitoring Group requests for additional information about these flights.

3. In addition, some countries already mentioned in previous Monitoring Group reports as having acted in technical violation of the arms embargo have maintained support to Somali security sector institutions, in some cases without authorization of the Committee.

Egypt

4. CACAS data received by the Monitoring Group indicates five Egyptian military flights to Somalia between August 2011 and January 2012. The aircraft, registered as Egyptian Air Force Lockheed C-130 "Hercules", reportedly landed at Mogadishu International Airport.

5. According to information provided by the Government of Egypt in response to a request from the Monitoring Group, "these flights were conducted to transport humanitarian and medical assistance to the Somali people from different Egyptian institutions and NGOs".[2]

Ethiopia

6. The Monitoring Group has received several reports of Ethiopian Air Force flights to Somalia, but only two flight plans were submitted to CACAS during the course of the Monitoring Group's mandate. The latter indicates that an unregistered Antonov An-12, bound for Baidoa, was operated by the Ethiopian Air Force on 3 March 2012, and that an unregistered Antonov An-32 travelled from Addis Ababa to Baidoa on 18 May 2012.

7. The Monitoring Group is unaware of any notification to the Committee concerning Ethiopian support to security sector institutions in Somalia, and on 17 April 2011 sent a letter to the Government of Ethiopia requesting clarification and additional information.

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[1] According to flight plans submitted to the Civil Aviation Caretaker Authority for Somalia (CACAS) between 26 July 2011 and 25 March 2012.

[2] Letter to the Monitoring Group, 22 May 2012.

8. In a reply dated 22 June 2012, the Government of Ethiopia confirmed to the Monitoring Group that an Ethiopian Air Force Antonov An-12, originating from an Air Base in Ethiopia, delivered on 3 March 2012 "military supply to members of the Ethiopian National Defence Force who were stationed at Baidowa to support AMISOM's operation in the area". However, the Monitoring Group considers supply of military equipment by air to ENDF operations on Somali territory to constitute a potential violation of the general and complete arms embargo on Somalia (see annex 5.2).

France

9. According to CACAS records, the Government of France has operated fourteen military flights to Somalia between September 2011 and March 2012, involving PUMA helicopters and two different sorts of transport aircraft: a Transall C-160 and a Lockheed C-130 "Hercules". The latter were bound for Mogadishu, while the destinations of the helicopters were Hargeysa and Bosaaso.

10. The Monitoring Group is unaware of any notification to the Committee concerning French military operations in Somalia, and on 17 April 2012 sent a letter to the Government of France requesting clarification and additional information.

11. In addition, the Monitoring Group obtained information relating to the delivery in June 2010 of six military trucks to security sector institutions in the Puntland State of Somalia.

12. On 23 December 2010, local media in Puntland published a photograph showing one of the trucks donated by the French government, with a caption stating that the trucks were returning from the Galgala highlands.

13. The Government of France notified the Committee of this delivery on 14 May 2012, stressing that the trucks were donated to the Counter-Piracy Directorate of the Puntland Ministry of Maritime Transport, Ports and Counter-Piracy, solely for the purpose of transporting Somali pirates awaiting trial and imprisonment. The Committee retroactively approved the French request. However, paragraph 12 of Security Council resolution 1772 (2007) specifically requires that notification take place "in advance and on a case-by-case basis".

Germany

14. The Monitoring Group has received information concerning one military flight to Mogadishu, Somalia, conducted on 31 March 2012 by a Transall C-160 operated by the German Air Force.

15. The Monitoring Group is unaware of any notification to the Committee concerning German Air Force operations in Somalia.

Iran

16. The Monitoring Group has received information concerning five civilian flights conducted by the Government of the Islamic Republic of Iran to Mogadishu, Somalia, from August 2011 to January 2012. The aircraft, one Airbus A-300 and one Boeing 737-200, were operated by Iran Air.

17. Since there are no regularly scheduled flights between Iran and Somalia, the Monitoring Group has sent on 17 April 2012 a letter to the Government of the Islamic Republic of Iran requesting cooperation in establishing the facts about these flights. No reply has been forthcoming.

Jordan

18. According to CACAS records, four military flights to Somalia were operated by the Royal Jordanian Air Force between September and December 2011. The two military aircraft, one Lockheed C-130 "Hercules" and on Ilyushin Il-76 "Candid", were bound for Mogadishu.

19. The Monitoring Group is unaware of any notification to the Committee concerning Jordanian support to the Security Sector in Somalia, and on 26 April 2012 sent a letter to the Government of Jordan requesting clarification and additional information. No reply has been forthcoming.

Kuwait

20. CACAS data received by the Monitoring Group indicates that fifteen Kuwaiti military flights to Somalia took place between July and December 2011. The aircraft, registered as Kuwait Air Force Lockheed C-130 "Hercules", reportedly landed at Mogadishu International Airport.

21. The Monitoring Group is unaware of any notification to the Committee concerning Kuwait Air Force operations in Somalia, and on 26 April 2012 sent a letter to the Government of Kuwait requesting clarification and additional information. No reply has been forthcoming.

Malaysia

22. Flight plans submitted to CACAS show that two military flights to Somalia were conducted by a Lockheed C-130 "Hercules" of the Royal Malaysian Air Force on 29 August and 3 September 2011.

23. The Monitoring Group is unaware of any notification to the Committee concerning Malaysian Air Force operations in Somalia, and on 26 April 2012 sent a letter to the Government of Malaysia requesting clarification and additional information. No reply has been forthcoming.

Saudi Arabia

24. According to CACAS records, twenty-two military flights to Mogadishu, Somalia, were operated by the Royal Saudi Air Force between August and September 2011, involving seven different Lockheed C-130 "Hercules".

25. The Monitoring Group is unaware of any notification to the Committee concerning Royal Saudi Air Force operations in Somalia, and on 26 April 2012 sent a letter to the Government of Saudi Arabia requesting clarification and additional information. No reply has been forthcoming.

Seychelles

26. The Monitoring Group has received information concerning one civilian flight to Mogadishu, Somalia, conducted on 9 February 2012 by a Beechcraft 1900 of the Government of Seychelles.

27. Since there is no regular flight between Seychelles and Somalia, the Monitoring Group has sent on 17 April 2012 a letter to the Government of Seychelles requesting cooperation in establishing the facts about this flight.

28. According to information provided by UNODC, this flight was intended to repatriate Somali nationals arrested during counter-piracy operations in the Indian Ocean, but who had not been prosecuted.[3]

29. In addition, on 30 April 2012, the Government of Seychelles informed the Committee that it had conducted, in cooperation with UNODC and the Somaliland authorities, a transfer operation of 17 prisoners from Seychelles to Hargeysa with an armed escort provided by a Kenyan-based Private Security Company, Halliday Finch.[4]

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[3] Meeting with UNODC, Nairobi, 26 April 2012.

[4] Letter from the Ministry of Foreign Affairs of the Republic of Seychelles to H.E. the Chairman of the Security Council Committee pursuant to Resolutions 751 and 1907 concerning Somalia and Eritrea, 30 April 2010. The terms of the transfer were governed by an agreement signed during the London Conference in February 2012 between the Government of Seychelles and the Somaliland authorities.

South Africa

30. CACAS data received by the Monitoring Group indicates that three military flights to Mogadishu, Somalia, were conducted by South African Air Force between August and October 2011, implicating one Lockheed C-130 "Hercules" and one Gulfstream III G3.

31. The Monitoring Group is unaware of any notification to the Committee on concerning South African Air Force operations in Somalia, and on 26 April 2012 sent a letter to the Government of South Africa requesting clarification and additional information. No reply has been forthcoming.

Sudan

32. According to CACAS records, eight military flights to Mogadishu, Somalia, were operated by the the Government of Sudan between August and October 2011, involving two different Ilyushin Il-76 "Candid" and one Antonov An-74.

33. In addition, in a speech celebrating the occasion of the 40th anniversary of the Somali National Security Agency in Mogadishu, on 9 January 2012, NSA Director General Ahmed Moallin Fiqi thanked the Government of Sudan for its assistance to his service.

34. The Monitoring Group is unaware of any notification to the Committee concerning Sudanese air operations and support to security institutions in Somalia, and on 17 April 2012 sent a letter to the Government of Sudan requesting clarification and additional information. No reply has been forthcoming.

Turkey

Assistance to security sector institutions in Somalia

35. During a meeting with the Monitoring Group on 23 March 2012 in Nairobi, Kenya, the Ambassador of Turkey to Somalia stated that his government was supporting security sector institutions in Somalia, and more specifically the police forces of the Transitional Federal Government. According to the Ambassador, the Turkish government was about to "take over the Police academy" in Mogadishu and to train police officers.

36. On 13 April 2012, the Monitoring Group sent a letter to the Government of Turkey requesting clarification and additional information about this project. According to information subsequently provided by the Government of Turkey to the Monitoring Group, the project is still in its preliminary phase, and a delegation from the Turkish Police Force has already conducted a needs assessment mission to Mogadishu in March 2012. However, the Government of Turkey also declared in this letter that it would seek the "necessary approvals" from the Sanctions Committee before the implementation of any assistance to Somalia security sector.[5]

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[5] Letter to the Monitoring Group, 8 May 2012.

Security operations

37. On 12 March 2012 at around 1330 local time, the Monitoring Group has observed the presence on Mahmud Harbi street, in the vicinity of the National Stadium, Mogadishu, of a group of at least twenty armed, foreign security personnel, heading north towards Industrial road, on board of pick-up trucks bearing military camouflage markings and mounted with heavy machine-guns.

38. According to a Nairobi-based intelligence source and TFG officials, this convoy was operated by Turkish security forces to protect Turkish personnel and operations in Mogadishu.

39. On 26 May 2012, eyewitnesses in Mogadishu reported to the Monitoring Group the deployment of Turkish security forces assuming full control of Mogadishu International Airport, including the positioning of snipers on the roof of the main terminal and in the control tower, following the landing of a Turkish Airlines Airbus.

40. The same sources stated that the aircraft was later boarded by 136 representatives of Somali civil society, selected by the Turkish ambassador to Somalia, the Turkish Deputy Ambassador, and individuals close to the TFG President, including former TFG President's Chief of Staff Abdulkarim Jaama' and the TFG current protocol officer, to attend a conference in Istanbul on 31 May 2012, hosted by the Government of Turkey and UNPOS.

United Nations

United Nations Department of Safety and Security (UNDSS) / United Nations Development Program (UNDP)

41. In Mogadishu, on behalf of UNDSS, UNDP has contracted as a technical adviser, a local security provider, called "Duguf Enterprise Security Service (DESS)". In accordance with its contract, Duguf provides pick-up trucks with armed personnel in order to facilitate UN movements between the International Airport, the UNCC and TFG compounds.

42. Although Security Council resolution 2036 (2012) reiterates in its paragraph 9 that the African Union should develop "a guard force of an appropriate size, within AMISOM's mandated troop levels, to provide security, escort and protection services to personnel from the international community, including the United Nations, as appropriate and without further delay", AMISOM thus far does not have the capacity to provide the United Nations with security details for movements of staff and operations in Somalia.

43. In Puntland and Somaliland, United Nations personnel are protected by Special Protection Units *(SPUs) of the Police*, which receive support from UNDP. However, UN agencies and INGOs must pay on a case-by-case basis by cash or money transfer, which arguably represents unauthorized support to a Somali security sector institution and therefore a potential technical violation of the arms embargo. The Monitoring Group recommends that UNDP seek and obtain authorization for this programme.

44. The Somalia office of UNDP has also been providing support to the TFG Police since 2010 and sent letters of notification to the Committee on three occasions.[6] However, at the time of writing, none of these letters have been circulated to members of the Committee for approval.

United Nations Mine Action Service (UNMAS)

45. UNMAS has contracted Bancroft to provide EOD and counter-IED training to the Somali National Army for the last two years. UNMAS has also contracted a UK-based company, Human Recognition System, to conduct biometric registration process including personal details, fingerprints, photograph and DNA, of SNA soldiers, aimed at improving payment of stipends. These activities are detailed in Annex 5.3.c. to this report.

46. After several requests from the Monitoring Group[7], UNOPS, on behalf of UNMAS/UNSOMA, sent on 4 May 2012 a retroactive notification letter to the Committee for its programme in support of Somali security institutions. However, paragraph 12 of Security Council resolution 1772 (2007) specifically requires that notification take place "in advance and on a case-by-case basis".

United States

47. The Government of the United States provides direct support to the Somali National Army in Mogadishu in accordance with several notifications to the Security Council Committee on Somalia and Eritrea (see annex 5.3.c. on Bancroft).

48. The Government of the United States is also carrying out in Mogadishu and in Puntland extensive programmes in support of Somali security sector institutions without any prior approval of the Committee.

Mogadishu

49. According to high officials from the TFG, a United States Government intelligence agency has been providing technical assistance, training and equipment to the Somali National Security Agency for several years. In addition, in a speech celebrating the occasion of the 40th anniversary of the Somali National Security Agency in Mogadishu, on 9 January 2012, NSA Director General Ahmed Moallin Fiqi thanked the United States Government for its assistance to his service.

50. According to AMISOM's figures, the Somali National Security Agency is a 1,500-strong force, well structured, equipped and trained, which operates under direct supervision of the TFG Presidency.

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[6] Letters to the Chairman of the Security Council Committee on Somalia and Eritrea, dated 18 March 2010, 1 November 2010 and 31 January 2012. The letter dated 1 November 2010 was circulated for information of the Committee on 8 November 2010.

[7] Meeting with UNMAS program manager, Nairobi, 8 December 2011; meeting with UNMAS deputy program manager, Nairobi, 9 February 2012; meeting with UNMAS program manager, Nairobi, 15 February 2012; and several email communications.

51. The Monitoring Group is unaware of any notification to the Committee concerning assistance by the Government of the United States to the Somali National Security Agency, and on 20 April 2012 sent a letter to the Government of the United States requesting clarification and additional information.

52. According to a letter sent to the Monitoring Group on 7 May 2012, the Government of the United States does not acknowledge any form of direct support to the Somali National Security Agency or any other Somali agency.

Puntland

53. In Puntland, the Government of the United States has been providing support to the Puntland Intelligence Service (PIS), now known as the Puntland Intelligence Agency (PIA), for at least the last ten years.

Puntland Intelligence Services training, conducted by US contractors in Qaw, at the same shooting range as used by SCS/Saracen trainees, in August 2011[8]

54. On 1 June 2011, the Government of the United States acknowledged in a letter to the Monitoring Group that thirty-one flights from Djibouti to Bosaaso, Puntland, operated by two private operators, Prescott Support Co and RAM Air Services, were conducted on behalf of the Government of the United States in support of Somali security sector institutions.

55. During the current Monitoring Group's mandate, Prescott Support Co and RAM Air Services conducted sixty-five flights to the Puntland region of Somalia between August 2011 and March 2012.

56. The Monitoring Group is unaware of any notification to the Committee concerning assistance by the Government of the United States to the Security Sector Institutions in Puntland, and on 16 May

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[8] Robert Young Pelton, "Drones in the News But Much More Down Below", Somalia Report, 22 September 2011.

2012 sent a letter to the Government of the United States requesting clarification and additional information.

Non-compliance involving foreign military aircraft

57. The Monitoring Group, based on confidential security reports and open source information, has counted 64 reports of activities of foreign jet fighters, helicopters and UAVs in Somalia from June 2011 to April 2012 (see table below).

58. Some of these reports concern attacks mistakenly targeting an IDP camp and a humanitarian feeding centre, targeted killings by drones of Al-Shabaab commanders, and Special Forces covert operations in Somalia.

59. In addition, the Monitoring Group has obtained reports of incidents in the Somali airspace involving foreign military aircraft and commercial or chartered flights, in a context of an increasing expansion of the number of companies and flights in Somalia, including since 6 March 2012 regular commercial flights operated by international carriers such as Turkish Airlines.[9]

Military aircraft operations

60. The Monitoring Group has received numerous reports of airstrikes and military air operations in southern Somalia during the course of its mandate. Information obtained by the Monitoring Group indicates that most of these incidents involved Northrop F-5E/5F "Tiger II" aircraft operated by the Kenyan Air Force, purchased from Jordan in November 2007.[10] Spokespersons of the Kenya Ministry of Defence have, in several cases, confirmed the involvement of the Kenyan Air Force in reported airstrikes in southern Somalia.[11]

61. Since Kenyan forces were not, at the time, operating on behalf of AMISOM or with a Security Council mandate, it is the assessment of the Monitoring Group that these aerial operations represent a violation of the arms embargo on Somalia.

62. The Monitoring Group is also concerned that some military air operations may inadvertently constitute attacks on civilians, in contravention of Security Council resolution 2002 and international humanitarian law. The International Committee of the Red Cross and the aid organization Médecins Sans Frontières - Suisse (MSF - Switzerland) have both issued official communiques expressing their worries and calling upon all parties to respect civilian lives after airstrikes targeting respectively an

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[9] "Somalia: Turkish Airlines begins flights to Mogadishu", BBC News, 6 March 2012.

[10] According to SIPRI data, accessed on 1 May 2012 at

[11] "Jets hit al Shabaab, as rain delays march", Daily Nation, 19 October 2011; "Kenya blameless over Somalia civilian deaths", Capital FM, 31 October 2011; "Kenyan Forces destroy Al Shabaab camps", The Standard, 18 December 2011; "Kenya says kills 50 Shabaab fighters in airstrikes", Reuters, 6 January 2012; "KDF cuts off Al Shabaab sypply line as resistance weakens", The Standard, 22 January 2012.

IDP camp in Jilib, Middle Jubba region, and a nutritional centre in Baardheere, Gedo region of Somalia.[12]

63. The Monitoring Group has also received report that the US government is operating for covert operations in Somalia a fleet of four unmarked Mil Moscow Helicopter Plant Mi-17 helicopters, based at Camp Lemonier in Djibouti. These aircraft, although not equipped with any weaponry, are reportedly used to deploy US Special forces from Djibouti to northeastern Somalia in support of the Puntland Intelligence Agency (PIA). According to the US-based news website Somalia Report, U.S. Special Forces are deployed from Djibouti with "CIA owned and operated Mi-17A's flown by American contract pilots (one is a female) ostensibly on behalf of the US-trained Puntland Intelligence Services."[13] A reliable military source with knowledge of such operations has independently corroborated the use of Mi-17 in Somalia by the U.S. military and has told the SEMG that in at least one case, Somali proxies fighting alongside US security personnel were allegedly airlifted back to Djibouti for treatment.[14]

Mi-17 helicopter on the US-military apron at Camp Lemonier, Djibouti-Ambouli International Airport, 30 November 2011

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[12] « Somalie - MSF soigne des blessés après le bombardement d'un camp de déplacés dans le sud du pays », Communiqué de presse de MSF Suisse, 31 October 2011 ; "Somalia: Red Crescent nutritional centre hit by air strike", International Committee of the Red Cross News Release, 11 December 2011.

[13] Robert Young Pelton, "Terrorists, Pirates or Fishermen?", Somalia Report, 20 April 2012.

[14] Meeting with a military source with knowledge of Western operations in Somalia.

Unidentified and unauthorized flights in Somali airspace

64. On 17 January 2012 at 1410 local time, a chartered aircraft bound for Wajir, Kenya, cruising near Beled Weyne, Hiiraan region of Somalia, was alerted by its Traffic Collision Avoidance System (TCAS) of the presence of another aircraft cruising at almost the same altitude, arriving from the direction of Ethiopia on a potential collision course. The crew, who visually identified the aircraft as a white Antonov An-26, attempted several times to establish contact with the pilots of the Antonov, who did not respond. The chartered aircraft was obliged to conduct an evasive manoeuvre to avoid a collision with the Antonov, climbing above its flight path. The Antonov then performed a sudden, sharp right turn towards the chartered aircraft and departed in the direction of Ethiopian airspace. At the same time, the Antonov disappeared from the TCAS, probably having switched off its transponder.

65. The investigation conducted by the Monitoring Group indicates that no flight plan for an Antonov was submitted to the Civil Aviation Caretaker Authority for Somalia (CACAS) on 17 January 2012. The Armenian- registered company South Airlines, which currently operates Antonov An-26 in Somalia and uses Dire Dawa airport in Ethiopia as an operational hub for flights to Somalia, has provided detailed documentation indicating that none of its aircraft could have been involved in this incident. The Monitoring Group also determined that an Ethiopian Air Force Antonov An-26 flies to Somalia on a regular basis. However, the Monitoring Group has been unable to verify whether this aircraft was operating in Somali airspace on the day of the incident.

Table: Reports of unauthorized flights by fighter aircraft, attack helicopters and UAVs in Somalia[15]

Date	Time	Location	Type of Aircraft
29/06/2011		Qandal	Drones
06/07/2011		Tabta	Unidentified military
19/07/2011		Gaddoondhowe	Not specified
19/08/2011		Mogadishu	US Drone
07/09/2011		Kismayo	Unidentified aircraft
15/09/2011	Afternoon	Tabta	Unidentified aircraft
19/09/2011		Jamame	Unknown war planes
26/09/2011		Kismayo	Pilot-less reconnaissance plane
30/09/2011	08h00	El Bur	Unidentified military
30/09/2011	08h00	El Bur	Unidentified military
06/10/2011		Taabta, Qoqani,	War planes
07/10/2011		Hawina, Deljayste, Goday	War planes
10/10/2011		Dalbiyo	War planes
11/10/2011		Badhadhe	Drones

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[15] Compiled from confidential international agency security reports and open source information.

11/10/2011		Badhadhe	Unknown drones
12/10/2011		Raskamboni island	Kenyan/French air forces
13/10/2011		Tabta	Helicopters/Jetfighters
15/10/2011		Qoqani	Kenyan war planes
18/10/2011		Garacad	Unidentified helicopter
18/10/2011		Garacad	Unidentified helicopter
23/10/2011		Kismayo	Unidentified jet fighters
23/10/2011		Kismayo	Unidentified jet fighters
23/10/2011		Kismayo	Kenyan aircraft/drones
25/10/2011		Afmadow	Planes
25/10/2011		Shilbrale	Not specified
27/10/2011	06h00	Canoole	Kenyan jets
29/10/2011		Qandal	Unknown military aircraft
29/10/2011		Qandal	Unknown military aircraft
30/10/2011		Buulo Xaaji	Unknown military aircraft
30/10/2011	13h30	Jilib	Non-mentioned
30/10/2011		Kalabayrka	US drone
13/11/2011		Afgooye	Alleged plane
23/11/2011		Yaaqle	War planes
02/12/2011		Ceel Cadde	Two unidentified aircraft
07/12/2011		Baardheere	Two unidentified aircraft
10/12/2011		Baardheere	Unknown military aircraft
13/12/2011		Garbaguso, Afmadow, Hoosingow	Kenyan military helicopters
14/12/2011		Wamaitho	Kenyan military helicopters
15/12/2011		Bungavu	Kenyan military helicopters
15/12/2011		Kismayo	Unidentified warplanes
20/12/2011	14h00/17h30	Hoosingow	Kenyan military aircraft
20/12/2011		Hoosingo	Kenyan military aircraft
23/12/2011		Kismayo	US drones / Kenyan military aircraft
05/01/2012		Unknown location	Suspected US drone
05/01/2012		Kudha	Kenyan military aircraft
05/01/2012		Kaalyaleey	Military aircraft
06/01/2012		Garbahare	Kenyan jets
06/01/2012		Birta Dheere	Military aircraft
10/01/2012		Yaaq, Daabley	Military aircraft
15/01/2012	14h00	Jilib	Kenyan jet fighters
21/01/2012		Mabuungo	Three warplanes
29/01/2012	02h00	Afmadow	Unidentified aircraft

03/02/2012		Bulo-Haji, Halimo-Adey	Suspected Kenyan warplanes
03/02/2012	10h00	Mogadishu	US drone
06/02/2012		Bilis Qooqaani	Kenyan helicopter
24/02/2012	03h00	K60 / south of Marka	Suspected US drone
29/02/2012		Afgooye	Unidentified aircraft
29/02/2012		Buurdhuubo	Unidentified aircraft
02/03/2012		Irida	Suspected Kenyan planes
04/03/2012		Diif	Unidentified military aircraft
21/03/2012	Morning	Lower Juba	Suspected Kenya Air Force fighter planes
20/03/2012		Diif	Kenyan Air Force
23/03/2012		Faafaaduun	Suspected Kenyan fighting planes
16/04/2012	Night	Gumbax	Unidentified aircraft

Annex 6

Obstruction of humanitarian assistance

Annex 6.1.: Obstruction to humanitarian assistance and attacks on aid workers August 2011- May 2012

This information was compiled through NGO and UN security reports for the August 2011- May 2012 period.

Mogadishu

August 2011:

- 5 August: A serious incident occurred at a food distribution in Badbaado IDP settlement. Between five and eleven persons were said to have been killed when two trucks of food aid donated by a UN agency were raided by TFG militias. IDPs from the areas joined the looting.
- 18 August: Three health workers from Dayniile Hospital were temporarily arrested by Al-Shabaab authorities the week of August 18th. The reason for the arrest was linked to administrative issues.
- 22 August: TFG forces were reported engaged in a shooting in Waaberi district after they attempted to rob humanitarian assistance that had been distributed to local residents/IDPs. Three persons were killed. A similar report was received from Trebuunka IDP area, this time with no violence.
- Reports of frequent robbery of IDPs and forced surrender of humanitarian assistance were frequent in Badbaado camp.
- A media report about the seizure of eight trucks of food aid by Al-Shabaab in 'Eelasha could not be verified by NGO and UN security experts.
- 30 August: TFG police forces clashed with personal militias of the TFG DC of Hawlwadaag in the Weheliye Hotel area. The fighting was apparently linked to a dispute over a food aid distribution and started after TFG forces tried to disarm the militiamen, opening fire when they refused to surrender. The militias loyal to the District Commissioner (DC) brought reinforcements to the area including a number of 'technicals' and confiscated twelve AK 47s and two heavy machine guns from the TFG forces. NSA forces intervened, stopped the fighting after about 40 minutes and returned the confiscated weapons to the TFG forces. At least seven people including one civilian were killed and seven others were injured.

September 2011:

- 2 September: a Malaysian media crew covering the intervention of a Malaysian charity that had just arrived in Mogadishu was shot at by an AMISOM convoy in the vicinity of K4. One journalist was killed and another injured.
- Officials of the TFG Ministry of Interior approached some international NGOs (INGOs) and requested them to register the weapons used by their guards with the Ministry, then later asked the NGOs to register themselves with the Ministry and pay registration fees ranging from 1,000 to 5,000 USD. In at least one instance the request has been accompanied by a threat to prevent international staff from being authorized to enter the country through MIA in case of

non-compliance. None of the requests were officially communicated to INGOs. The discrepancies in the demands also suggest that this did not reflect an official policy of the the Ministry.

- 12 September: members of a Turkish delegation were arrested by TFG security forces in K7/ex-Control Afgooye upon their return from K50. Despite a corrective statement from the TFG the following day, indicating that staff had not been arrested, but escorted back for their own safety, other delegations and at least one media crew that intended to move to K50 in the following days were denied access to Al-Shabaab-controlled areas when they reached K7/ex-Control Afgooye.
- 18 September: Al-Shabaab Sheikh Fu'aad Mohamed Khalaf 'Shongole' gave a speech in Marka in which the United Nations were specifically mentioned, alongside the TFG, AMISOM and the United States, as one of the enemies of the Al-Shabaab movement in Somalia and a legitimate target.
- 24 September: a VBIED accidentally detonated inside a UN compound in Madina District. The VBIED was discovered in Black Sea neighbourhood of Hodan district by TFG forces and had reportedly been disabled before being transported to the UN compound.
- 24 September: TFG militias loyal to the Madina DC blocked the main entrance to a UN compound and temporarily stopped all movement in and out of the compound. The blockage was reported to have been organized by the DC to put pressure on the UN to hire vehicles from him. The militias left the area after the intervention of the Banaadir Governor and the Police Commissioner.
- 25 September: two groups of TFG soldiers clashed after a dispute over ownership of food and medical aid at Hargaha iyo Saamaha Building in Hodan district, injuring two bystanders.
- 28 September: three gunmen, armed with AK47s and dressed in civilian clothes, opened fire at TFG forces at an IDP camp near Sayidka monument in Hawl Wadaag District during a dispute over control of the IDP camp.

October 2011:

- Fighting and shelling in Heliwaa killed a national staff member of SOS Children's Village. The INGO's compound and hospital were temporarily occupied by TFG forces.
- 14 and 19 October: Two suicide attacks had for the first time a direct impact on the compounds of two INGOs -- the first on the 14th of October and the second on the 19th of October in K5 and Sei-Biano area respectively. Another IED was found in front of Aran Guest-House, a hotel catering to journalists and humanitarian workers.
- 23 October: MSF suspended its vaccination campaign in Dayniile due to continuous fighting and insecurity in the area.
- 24 October: a shooting took place in the ex-US Embassy compound, an area where Sa'ad and Hawadle militias dispute the control of IDP settlements.
- 30 October: a shooting took place in the Rajo IDP camp in Jazira area, when a TFG soldier opened fire at IDPs trying to forcefully enter the distribution site.

November 2011:

- 2 November: a demonstration against the mismanagement of humanitarian aid by the TFG Food Aid Committee gathered hundreds of IDPs in Wardhiigley District. A group of TFG soldiers manning a check-point in the area shot at the crowd killing one woman and injuring two others.
- 4 November: elements of the TFG police and military were involved in a dispute and shooting over bags of rice in Boondheere.
- 6 November: a similar dispute between TFG soldiers occurred in Xamar Weyne.
- 8 November: in Sei-Biano area a freelance militiaman shot and killed a civilian woman receiving food assistance.
- 11 November: a large consignment of food aid was looted by local clan militias in Kaaraan District after militias opened fire on IDPs queuing at a distribution site.
- 12 November: in an IDP camp close to Digfer Hospital, armed clan militias opened fire on IDPs waiting in queue and looted food aid.
- 12 November: a similar incident occurred in Badbaado IDP camp involving ASWJ militias and militias loyal to the Dharkeynley DC.
- 17 November: in Rajo IDP camp, a militiaman from the Medina district forces opened fire on IDPs in an apparent attempt to control a crowd at a food distribution organized by the Turkish Red Crescent, leading to the deaths of two women and a boy.
- 20 November: an incident occurred in the Kaaraan District Office at a food distribution organized by the Ministry of Interior and the Kaaraan District, with food donated by Saudi Arabia and Turkey The food was escorted to the site by TFG forces. The incident started with an argument between the DC and TFG forces that led to a shooting. District militias (Abgaal/Da'ud) and other local clan militias then started stealing the food, triggering a general looting involving local residents and IDPs. The whole food consignment (four trucks) was lost.

January 2012:

- 10 January: two unidentified perpetrators hurled a hand grenade towards the UN Compound in Medina district. The grenade caused no casualties as it landed outside the compound. After the explosion the security guards started a pursuit, during which the perpetrators dropped another hand grenade and escaped. Several hours later, articles celebrating the attack against a UN agency were issued through pro-Al-Shabaab websites Amiirnuur and Somalimemo.
- 19 January: an unknown attacker threw a hand grenade at the construction site of a new UN compound in Medina District.
- 22 January: two artillery rounds fell within the perimeter of the Keysaney Hospital in Kaaraan District. At the time, the hospital, supported by the ICRC, was very close to the frontline.
- 25 January: the Al-Shabaab Office for the Supervision of Foreign Agencies (OSAFA) issued a new communiqué condemning the UN Political Office for Somalia (UNPOS), a day after the opening of the UNPOS office at Mogadishu International Airport.

February 2012:

- 1 February: a hand-grenade attack targeted the construction site of a UN compound in Mogadishu.
- 3 February: artillery fire was again reported to have hit Keysaney Hospital in Kaaraan District.
- On the 5th of February, an Al-Shabaab senior officer and member of the *da'wa* unit made a speech at Eelasha criticizing the Turkish humanitarian intervention in Somalia, stating that food aid and medicines brought by the Turkish government were expired and accusing Turkish agencies of serving as cover for Christian interventions.
- 8 February: pro-TFG militias loyal to Yuusuf Indha'adde attacked NSA forces dedicated to security of a food distribution site at the former National Fair compound in Trebuunka area of Hodan district.

Al-Shabaab controlled areas

November 2011:

On November 28th in the morning, groups of Al-Shabaab militias were reported taking control of several compounds of UN agencies and INGOs in South-Central Somalia. In the hour following the beginning of these operations the Al-Shabaab "Office for Supervising the Affairs of Foreign Agencies" (OSAFA) issued a press release in English on the pro-Al-Shabaab website Amiirnuur[1] indicating that following a year-long inquiry the Al-Shabaab movement had decided to "permanently revoke the permissions" of 6 UN agencies/programs, 9 INGOs and one local NGO "to operate in Somalia". The communiqué gave a detailed list of the targeted agencies.

As of the same afternoon, it had been confirmed that a total number of 16 INGO and 6 UN compounds had been seized by Al-Shabaab in 13 different locations in 8 regions. In addition at least one store of a local NGO working in partnership with a UN agency was reported being looted in Baidoa:

The breakdown of the compounds seized by Al-Shabaab in each region is as follows:

- Lower Juba: Kismaayo (1 INGO)
- Middle Juba: Bu'aale (1 INGO, 1 UN agency), Sakoow (1 INGO)
- Gedo: Baardheere (1 INGO)
- Bay: Baidoa (2 INGOs, 2 UN agencies), Diinsoor (2 INGOs, 1 UN agency), Qansax Dhere (1 INGO)
- Bakool: Waajid (1 INGO, 1 UN agency), Xudur (1 INGO)
- Lower Shabelle: Marka (1 INGO)
- Hiraan: Beled Weyne (2 INGOs, 1 UN agency), Bulo Burte (1 INGO)
- Galgaduud: Eel Buur (1 INGO)

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[1] See: http://amiirnuur.com/index.php?option=com_content&view=article&id=5373:war-deg-deg-ah-shabaabul-mujaahidiin-oo-shaqadii-ka-joojisay-16-hayadood-oo-somaliya-ka-shaqeynayay&catid=48:wararka).

Upon their arrival the Al-Shabaab militiamen ordered all staff to vacate the offices and started confiscating computers, phones and other office equipment. No explanation was given to the agencies' staff upon the arrival of the militiamen. Two staff of an INGO were reported arrested in Hiraan Region. No arrests were reported in any other location.

December 2011:

The Al-Shabaab administrations in Kismaayo Jowhar, Beled Weyne and Marka called local NGOs and INGOs for a meeting dedicated to exposure of conditions of operations of humanitarian agencies in the Lower and Middle Juba, Middle Shabelle and Hiraan Region and Merka District. The Al-Shabaab representatives in Kismaayo announced the following:

1) all organizations working in the Jubas should pay a registration fee of US$5,000 (internationals) or US$ 3,000 (nationals), valid for 6 months;
2) all organizations should provide their staff names and titles to the Al-Shabaab administration;
3) key staff from all organizations need authorization from the Al-Shabaab administration before travelling out of the Jubas (whether on duty or for personal reasons);
4) the regional Al-Shabaab Humanitarian Office is dealing with all issues related to humanitarian organizations and should be contacted instead of the District/Regional administrations;
5) the taxation on projects' budgets is raised from 20% to 30% for LNGOs being funded by international organizations;
6) transport companies shipping humanitarian cargo to the Jubas need to be registered with the Al-Shabaab regional administration;
7) humanitarian organizations should not rely on third parties (i.e.: elders, businessmen, other agencies,...) to facilitate negotiations with the Al-Shabaab Humanitarian Office;
8) organizations violating these administrative instructions will be fined. The fine may be paid by purchasing weapons for the Al-Shabaab movement. Organizations were given up to December 17th to pay the new registration fees.

January 2012:

On 30 January, the Al-Shabaab Office for Supervising the Affairs of Foreign Agencies (OSAFA) issued a communiqué banning the ICRC from operating in Somalia. In its communiqué OSAFA accused the ICRC of distributing expired food in South Somalia and of making false allegations against Al-Shabaab by accusing "the Mujahideen of hindering food distribution" to vulnerable people in Somalia.

Gedo, Lower & Middle Juba

August 2011:

- The Al-Shabaab authorities in Kismaayo were reported to have blocked the distribution of food donated by membes of the diaspora to IDPs at the Dahabshiil settlement. The supplies were temporarily confiscated. Al-Shabaab reproached to the organizers that the distribution had not been coordinated with them.
- 18 August: a shootout broke out between forces loyal to the TFG DC and a local commander in Buulo-Xaawo during a dispute over the division of money paid by a foreign national from Qatar who was conducting a humanitarian assessment in the town.
- 19 August: three national staff working for an INGO were arrested by Al-Shabaab authorities in Saakow. The incident was reportedly linked to a recruitment issue after a specific individual manipulated the local Al-Shabaab authorities to serve his interest. All the staff were released the following day after the matter was clarified by the local community.
- 28 August: Al-Shabaab elements conducted an attack against Garbahaarey that was partly aimed at killing or intimidating the female administrator of the hospital, a key partner of an INGO operating in the area. The woman was taken from her house, interrogated briefly about her involvement in the organization of UN flights to Garbahaarey then shot seven times in her lower body and left for dead. She was transported the following day to Maandheera (Kenya) where she underwent surgery and recovered.
- 30 August: in Eel Waaq, members of the local relief committee were involved in a dispute with the coordinator of a national NGO who they accused of having given beneficiary cards for food distributions to residents of Eel Waaq Kenya. Subsequently three members of the relief committee were detained at the Eel Waaq police station. The three were released after soldiers from the 'Isiolo militias' (Azania State) stormed the police station. The soldiers responsible for the action were reportedly arrested.

October 2011:

- 13 October: five gunmen armed with pistols and grenades kidnapped two Spanish female staff working with MSF/Spain in Dadaab. The attack occurred in Q block of the IFO2 Refugee Camp in Dadaab after the MSF team concluded a meeting with the local refugees. The incident marked increased tensions at the Somali-Kenyan border.
- Kenyan military strikes severely impacted humanitarian access to this region in October. The announcement that the nine major cities would be targeted by the Kenyan military and the bombing of an IDP camp in Jilib by Kenyan forces prompted fear that such incidents could occur again and directly affect INGO staff and programmes.

February 2012:

- 28 February: Al-Shabaab militias seized a civilian truck carrying medical supplies sent by an INGO from Buulo Xaawo to Garbahaarey Hospital. The incident occurred in Tuulo Barwaaqo, on the road between the two towns.
- 29 February: Al-Shabaab militias launched a large attack against Garbahaarey. The operation started with intense shelling targeting anti-Al-Shabaab militias that also hit and destroyed the laboratory of the regional hospital, supported by an INGO.

April 2012:

- Increased lack of control of the Al-Shabaab administration based in Kismaayo allowed local Al-Shabaab militias and authorities between Dhoobley and Qooqani and in Afmadow to steal/seize some nutritional supplies sent by an INGO through the area.

Bay, Bakool and Lower Shabelle

August 2011:

- 1 August: a shipment of food sent by an INGO from Kenya to Baidoa was temporarily blocked and impounded by the Al-Shabaab authorities in Baidoa. Later in the week, two national staff of the same organization responsible for the transfer of this shipment were temporarily arrested by Al-Shabaab. The Al-Shabaab authorities explained that the arrests had been motivated by the fact that the transporter was not paying taxes to Al-Shabaab and had used an unauthorized road (through Luuq, under the control of anti-Al-Shabaab forces).

September 2011:

- The Al-Shabaab authorities in Bay and Bakool regions engaged in the registration of commercial companies authorized to work with international humanitarian agencies. Each applicant had to pay US$5,000 to obtain a clearance from Al-Shabaab. Only registered companies were to be authorized to receive contracts with humanitarian agencies. The Al-Shabaab authorities continued to require all local entities receiving a contract from an international agency to pay 20% of its total value to the Al-Shabaab movement.

December 2011:

- 6 December: Al-Shabaab authorities in Baidoa held a meeting with local NGOs implementing projects with UNICEF support in Bay and Bakool regions and advised them that they would be allowed to use UNICEF supplies only until January 2012.

January 2012:

- 7 January: the Al-Shabaab administration in Baidoa started selling previously confiscated equipment of humanitarian agencies on the local markets. Later in the week, the Al-Shabaab alongside other local businessmen used confiscated generators to open a local electricity company.

April 2012:

- 12 April: a national staff member from a UN agency and a staff member from a local NGO were arrested in Baidoa, shortly after a hand grenade attack targeted pro-TFG forces close to the Baidoa Electric Company. The two staff were in a local NGO compound at the time of the attack and were rounded up by pro-TFG militias with a number of other civilians. They were held in detention for around four hours and seriously beaten before being released once their identity and status had been confirmed.
- Another man working for a UN agency was arrested by ENDF on suspicion of having links with the Al-Shabaab movement. The staff member was reported to still be in detention more than two weeks after his arrest.
- The pro-TFG administration in Baidoa is reported to have put pressure over the UN, insisting that some of the security guards protecting one of the UN compound be replaced with militiamen of their choice.

Hiiraan and Middle Shabelle

August 2011:

- 14 August: in Beled Weyne three national staff of an INGO were temporarily detained because their agency had started recruiting new staff without proper consultation with the authorities. The three staff were released the following day.
- 25 August: several trucks carrying food aid from Puntland to south-central regions were temporarily blocked in Matabaan due to administrative constraints on the part of the Ethiopian authorities. The trucks were released two days later.

October 2011:

- 22 October: in Beled Weyne, female humanitarian personnel were forbidden from conducting field missions out of town from that date on. The Al-Shabaab edict ordered women to work only in offices or in medical facilities. Reports indicate that a similar decision was communicated to humanitarian agencies in Bay Region.
- 24 and 26 October: Three national staff of an INGO were temporarily detained by Al-Shabaab authorities in Beled Weyne between the 24th and the 26th of October. The arrests were intended to put pressure on the INGO, because it had suspended a cash relief program due to the Al-Shabaab administration's insistence that it control the cash distribution.

November 2011:

- Following the ban on November 28th, the Al-Shabaab authorities in Jowhar called all local NGOs and INGOs in two different meetings and again requested all agencies to pay taxes ranging from US$6,000 to US$10,000. Similar meetings were organized in the following days in Beled Weyne and in Kismaayo. No clear deadline was given.
- 29 November: Al-Shabaab militias in Jowhar entered the compound of an INGO and seized properties of a local NGO that was using one of the rooms in the compound as its office. The local NGO was involved in livelihood activities and had remained inactive in the area since Al-Shabaab occupied one of its compounds in Diinsoor/Bay Region in June 2011.

December 2011:

- 13 December: two convoys carrying food supplies for an international humanitarian organization were reportedly seized with their content by the Al-Shabaab administrations of Baidoa and Jowhar in Bay and Middle Shabelle regions respectively.
- 28 December: in addition to the new taxation requirements, the Al-Shabaab authorities in Beled Weyne ordered all staff working for humanitarian organizations and local businesses in the town to provide pictures of themselves. The authorities did not specify how these pictures would be used.
- 28 December: two national staff of WFP and one staff member of a local NGO were shot and killed by a single attacker (the gatekeeper of a local IDP camp) while they were conducting a surprise verification mission in "his" camp in Matabaan.

February 2012:

- 11 February: four trucks carrying humanitarian supplies rented by a UN agency were reportedly stopped by SVS militias based at Kalabeyr junction and were asked to pay a “pass through” tax of US$750 per truck. The ENDF were informed about the demand and obtained a reduction of the tax to the standard rate of 250 USD.

March 2012:

- 13 March: the Al-Shabaab Office for Supervising the Affairs of Foreign Agencies (OSAFA) announced the suspension of the last INGO operating in Hiiraan Region. Offices of this NGO had been closed in Buulo Burte, Maxaas and Jalalaqsi the day before and its nutrition supplies seized by Al-Shabaab authorities. The reasons put forward by the Al-Shabaab movement to justify the ban were related to management issues and the accusation that the agency was providing expired food aid for its nutrition program.

April 2012:

- 13 April: an employee of a local NGO in charge of the distribution of agricultural items was shot at by a disgruntled would-be beneficiary in central Beled Weyne. Despite being escorted by his own security guards, the staff was shot at in his vehicle while coming back from distributions by a man who had been denied assistance. The staff member escaped, but a bystander was accidentally killed by the escort guards. The attacker was arrested by the local authorities, but later set free.

Galgaduud & Mudug

August 2011:

- 7 August: in Gaalka'yo town, a senior INGO staff member and prominent local elder was the victim of a targeted assassination.
- 17 August: A UN mission encountered an illegal checkpoint manned by local militiamen on their way to Hobyo. The militiamen stopped the convoy and escort officers exchanged fire with the gunmen. No one was injured in the shooting but the UN team had to abort its mission to Hobyo, turned back and spent the night in Baxdo.
- 21 August: a lorry with 17 metric tons of food aid was looted by local residents in Bandiiradley village located in Gaalmudug side of Gaalka'yo district.

September 2011:

- 25 September: Al-Shabaab militias reportedly looted several trucks with food aid recently donated by the Turkish Government and destined for IDPs living under the ASWJ administration in the region.
- 28 September: unknown gunmen believed to be members of the community in Xananbure stopped a convoy of three trucks rented by a UN agency from the local Al-Khairaat company, assaulted the driver and forced the trucks to divert to Xananbure where the trucks were offloaded. The trucks were carrying food aid and were originally destined for Guri Ceel. The supplies were later recovered by the ASWJ and returned to the Agency.
- 30 September: the local communities in Aqfar (30km S of Guri-Ceel) reportedly looted a food aid convoy destined to Guri-Ceel District.

October 2011:

- 16 October: a shooting broke out in Guri-Ceel town after a UN food convoy had passed an ASWJ tax collection checkpoint. One civilian was reported killed and five were injured during the shooting. The UN rented convoy was allowed to proceed after the incident.
- 25 October: two international staff working for DDG in Gaalka'yo were kidnapped by a group of gunmen while returning from Gaalka'yo South to Gaalka'yo North. The attack occurred in Gaalka'yo south (Gaalmudug administration).

November 2011:

- 15 November: a team composed of UN and INGO international and national staff were threatened by a group of pirate militia while returning from a meeting with the Gaalmudug President in Gaalka'yo South.

December 2011:

- 23 December: the ASWJ Deputy DC of Guri Ceel Ali Bashi Adan, announced that all INGOs and local NGOs would have to register with the district administration in Guri Ceel in order to allow the monitoring of activities conducted in that district, but no written instruction was communicated to the NGOs.
- 29 December: two hand grenades were hurled into an INGO compound in Gaalka'yo. No injuries occurred and only limited damage was reported.

January 2012:

- 11 January: an employee on a local NGO and his driver were killed by suspected Al-Shabaab militias while on their way from Dhuusamareeb to Guri Ceel. Unconfirmed reports indicate that the vehicle carrying the LNGO staff was travelling not far behind a convoy of Ethiopian forces and may have been misidentified as a part of the convoy.
- 20 January: a group of armed militias stopped and looted part of the consignment of a commercial truck transporting food aid through Gaalka'yo South.
- 21 January: a UN-rented vehicle was carjacked in Gaalka'yo north, probably by Leylkaase clan gunmen. It was reported later that the attackers were planning to sell the vehicle to a pirate group in Gaalmudug.
- 30 January: a group of unidentified gunmen suspected of being local Sa'ad militiamen opened fire at an INGO-rented vehicle in Dagaari (around 30km south east of Gaalka'yo), while transporting national staff from 'Adaado to Gaalka'yo.

February 2012:

- 5 February: Al-Shabaab militias ordered the closure of a health centre and an ambulatory therapeutic feeding centre managed by an INGO in Xiindheere (Dhusamareeb District). Local staff were sent home. The decision was reportedly related to its request for payment of registration fees by INGO.
- 28 February: a team composed of staff from a UN agency, an INGO and local Puntland officials conducting a joint assessment in Buulo Basley IDP settlement was forced to evacuate the area after local Shiikhal clan militia fired several shots in the air in close proximity of the staff members.

March 2012:

- 10 March: in Galinsoor, unknown assailants seized a UN-rented truck and its contents. The truck was carrying humanitarian aid from Gaalka'yo to Gaalgaduud Region.
- 10 March: local media reported that the Gaalmudug State had banned four humanitarian agencies (2 UN, 1 INGO, 1 local NGO) operating in the region. Further information received with regard to the "ban", however, suggests that the statement issued by the Minister of Interior was not supported by other top officials of the Gaalmudug administration and would not be implemented.
- 12 March: an INGO-rented ambulance travelling from 'Abudwaaq to Gaalka'yo was shot at by a Sa'ad militiaman in the centre of Galinsoor town.
- 13 March: two hand grenades were thrown at the office of an INGO in Gaalka'yo North. One of the hand grenades exploded outside of the compound causing slight damage to the wall while the other did not.
- 19 March: a building recently constructed and equipped by a UN agency and delivered to the Gaalmudug authorities to support the registration of IDPs coming from South Somalia was reportedly looted by unidentified militias.
- 20 March: a UN-rented vehicle was carjacked by unknown militias in Gaalka'yo North. The vehicle was returned after the intervention of clan elders. Reports indicate that the vehicle belonged to a Leylkaase man and was carjacked by members of the Majeerteen clan.

Bari & Nugaal

August: 2011

- 5 August: a UN rented-vehicle was hit by an IED in the vicinity of Yalho, between Laag and Kalabeyr. Two persons on board the vehicle were injured. The UN car was travelling alone but was following another vehicle that was transporting Puntland officials. It is believed that the attack was in fact targeting that first vehicle and that the UN vehicle was hit due to misidentification or a delay in the activation of the IED.

October 2011:

- Special Protection Unit forces escorting an INGO operating in IDP settlements in the town were approached by men who proposed that they take part in a kidnapping operation in return for payment of US$100,000. The INGO in question had at the time a high number of international staff working regularly in the field in Bosaaso.

December 2011:

- 11 December: two staff from an INGO were arrested by the Puntland authorities and their laptops were confiscated for purposes of interrogation. No indication of the reason for the arrest was given.

January 2012:

- 18 January: an unknown group of gunmen carjacked a vehicle rented by an INGO in Bandar Beyla District (Bari region). The vehicle and the supplies it was transporting were later recovered. It is believed that the carjacking was organized to protest against the selection of potential beneficiaries of a project to be conducted in the area by the INGO in question.

February 2012:

- 4 February: a vehicle hired by a foreign development agency with two national staff on board was shot at by gunmen from the Majeerteen/Ali Saleebaan and Majeerteen/Ismail Saleebaan sub-clans between Bandar Beyla and Xaafun. The vehicle was hit in the rear tyre but managed to escape from the scene with both staff uninjured. However the SPU escort was overwhelmed and taken to the home village of the gunmen in Laamiye. All the SPU escorts and their vehicle were released on February 5th after intervention of elders of the sub-clans involved.

Togdheer, Sool & Sanaag

September 2011:

- September saw an increase in hostility on the part of the Somaliland authorities to the conduct of humanitarian operations in the east of Sool and Sanaag regions from Puntland. On the 15th of September, the Somaliland Minister of Planning called on several humanitarian agencies operating in these areas to review their operations and instructed them that they should not conduct activities in the areas in question from Puntland.

October 2011:

- 22 October: a vehicle rented by an INGO was carjacked in Xudun and taken to Taleex. National staff who were using the vehicle were eating lunch at the time and were not threatened.

November 2011:

- 18 November: a national staff member of an INGO was shot by unknown gunmen in his hotel room in Xudun. The staff member was carrying a significant amount of money that was meant to be used for implementation of humanitarian activities in Sool region. The money was stolen and the staff member was hospitalized.

April 2012:

- 24 April: a group of gunmen associated to the owner of the Safari Hotel in Oog fired into the air over the compound of an INGO in Caynabo. The men were arrested on their way back to Oog and subjected to investigation. The shooting was reportedly related to competition over the rental of vehicles by the INGO in question between the owner of the Safari Hotel on the one hand and the District Commissioner and Mayor of Caynabo on the other.

Maroodi Jeex & Awdal

September 2011:

- 29 September: leaflets containing threats against top Somaliland officials and a UN agency were found posted at a warehouse of the agency, the Office of the Regional Prosecutor and the Appeal and Regional Courts in Hargeysa. The leaflets were written in Somali language and purported to have been written by an Al-Shabaab member in Southern Somalia.

February 2012:

- 21 February: two national staff of a UN Agency on a monitoring mission were arrested by the Somaliland police in Lawya Caddo - reportedly for having failed to inform the regional governor about their mission. The two were released shortly after the arrest following an intervention of the Mayor of Borama.

Annex 6.2.: 'Gatekeepers' and other forms of diversion of humanitarian assistance

1. The withdrawal of Al-Shabaab forces from Mogadishu on 2 August 2011 should, in principle, have improved access throughout the capital for aid agencies, and facilitated the direct provision of humanitarian assistance to vulnerable Somalis. The reality, however, was quite different: UN agencies, INGOs and their national counterparts were confronted instead with pervasive and sophisticated networks of interference: individuals and organizations who positioned themselves to harness humanitarian assistance flows for their own personal or political advantage. These "gatekeepers" often exercised control over the location of IDP camps; the delivery, distribution and management of assistance; and even physical access to IDP camps and feeding centres, through their influence over the "security" forces deployed to such sites.

2. Through late 2011 and early 2012, humanitarian conditions remained dire, as famine and conflict continued to hamper the ability of individuals to cope in their areas of origin, and pushed many to seek assistance in the capital city. As the IDP population of the capital expanded and makeshift camps burgeoned in the city, district officials often ushered IDPs to landowners who then obliged them to the tiny patches of soil upon which they established their shelters.[1] In many locations, IDPs continue to pay not only "rent", but also fees for access to water and sanitation facilities.

3. Aid agencies have deplored the lack of control central authorities exercise over Mogadishu's 16 district commissioners, and their sub-district commissioners. In August 2011, the mayor of Mogadishu was asked by the Prime Minister to consolidate many of the *ad hoc* IDP camps into a single large settlement, Badbaado, in Dharkeynley district. To do so, the Mayor convened a committee comprising the 16 district commissioners of Mogadishu, whose main purpose was to ensure that its members would continue to profit from the presence of IDPs in the city.[2] As one aid official told the SEMG: "nothing can be done without the agreement of the mayor and the district commissioners, including the choice of contractors we hire. We have to find ways of working that are acceptable to all, and this is impossible if the local authorities don't, somehow, get a piece of the pie".[3] As the situation continues to evolve and international agencies have a more important presence in Mogadishu, some camps are now much better run than others. Still, the role of gatekeepers remains, and so does the influence they exert over vulnerable populations.

Systematic diversion of assistance to IDPs

4. The result has been a form of organized racketeering that exploits the plight of IDPs for financial gain. With the mayor of Mogadishu and district commissioners recognized as legitimate authorities by the TFG and donors alike, aid agencies have little choice but to work with them to establish programmes and provide assistance in Mogadishu. But the central and municipal authorities have proven extremely weak in providing government leadership to tackle the humanitarian crisis. Multiple entities and individuals have been established and appointed by both the President's and the Prime

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[1] Interviews with UN and INGOs heads of agencies, Nairobi, December 2011- March 2012.

[2] Interview with UN head of agency, Nairobi, 8 December 2011.

[3] Interview with INGO head of agency, Nairobi, 23 March 2012.

Minister's offices, but it is unclear to all actors- including the TFG itself- what roles and decision-making abilities each one of them has.[4] The resulting confusion and lack of coordination is not only extremely challenging for humanitarian actors: it also contributes to an environment in which transparency and accountability are virtually non-existent.

5. The most salient "ghost camps"- or fake settlements containing unoccupied shelters- emerged throughout Mogadishu. These camps were often established with the complicity of district officials in an attempt to attract international assistance and extract a percentage of its value.[5] Similar practices existed elsewhere in Somalia, although the scope of the problem was harder to assess because of access constraints.

6. A joint UN/ TFG mission in the fall of 2011 revised the number of IDPs in the city downwards from 372,000 to 184,000, identifying approximately 50 'ghost camps' in the process.[6] This exercise, which combined methodological headcounts, door-to-door verification and satellite imagery, left some aid agencies unable to justify the high numbers of beneficiaries in their programmes. Moreover, after the revision of the IDP numbers, some of the Nairobi-based aid agency coordination "clusters" were obliged to conclude that over 120% of the actual number of vulnerable individuals identified by the census had received assistance, leaving them to question where the assistance was actually going.[7] In some cases, the detection of ghost camps led to threats and violence against aid workers. The most significant incident occurred on 23 December 2011 in Matabaan, in Hiiraan region, when two WFP national staff were killed for questioning the authenticity of a settlement.[8]

7. The presence of gatekeepers is endemic in Mogadishu, and enables the large-scale misappropriation or diversion of lifesaving assistance. In January 2011, where the UN had declared famine levels to be improving in Al-Shabaab-controlled areas, the situation was still one of emergency in Mogadishu, where international assistance was also significantly more available. Senior humanitarian officials believe diversion by gatekeepers to be a key factor in impeding the delivery of aid to the most needy.[9]

8. IDPs are also routinely kept from seeking redress, or having any direct contact with donors and aid agencies. They are told "to stay away from journalists or government officials visiting the camp"[10], since only the committee established by the camp commander or manager is authorized to address outsiders. As for monitoring by aid groups and the media, IDPs interviewed routinely provided false information, fearful that anyone who presents complaints to outsiders – especially when the cameras are rolling -- risks physical abuse and possibly even death.[11]

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[4] Interviews with UN heads of agencies, international donors and TFG officials, Nairobi and Mogadishu, December 2011- March 2012.

[5] Interviews with UN and INGOs heads of agencies, Nairobi, December 2011- March 2012.

[6] Interview with UN head of agency, Nairobi, 12 December 2011.

[7] Interviews with Heads of clusters, Nairobi, December 2011- February 2012.

[8] Interview with WFP Representative, Nairobi, 25 April 2012.

[9] Interview with UN senior humanitarian officere, Nairobi, 13 January 2012; Mogadishu, 13 March 2012.

[10] Interviews with IDPs, Badbaado camp, Mogadishu, August- September 2011.

[11] Interviews with IDPs, several IDP camps, Mogadishu, August 2011- January 2012.

Non-food Items

9. One striking illustration of the gatekeepers' use of IDPs as bait for humanitarian resources regards the provision of shelters and food rations. With the influx of displaced populations in Mogadishu, many agencies, including Muslim charities funded by emerging donors, established programmes to distribute tents and dry food rations to IDPs. Numerous testimonies collected by human rights NGOs from IDPs between August and December 2011 describe the ways in which this type of assistance has been diverted.

10. In some cases, makeshift shelters erected by IDPs were destroyed to attract donors - chiefly Turkey – who had demonstrated a willingness to provide tents. Tents were then often given or sold to members of the community close to the district officials, not to the IDPs. In Badbaado camp, many IDPs testified that this had evolved into a full-fledged business, operated by 'Captain Jim'ale', the commander of the camp.[12]

11. When tents were in fact delivered to IDPs, the occupants were monitored to ensure they kept the tents in good condition for eventual resale. They received daily morning visits by gatekeepers and were beaten when the tents were deemed "dirty". In the words of an IDP woman living in Madlamo camp, in the Hodan district of Mogadishu:

> They check the tents daily and see if there is something dirty on them, if a tent is torn down, and so on, and they scold us, beat us, and tell us that the tents are not for us, we must keep hem clean and untouched, so that they can sell with good amount of money when we leave.[13]

12. Another woman in a different camp told a similar story:

> They destroyed our bush houses, they gave us tents, but they attack us everyday and tell us that the tents are not ours, they tell us that we use them temporarily but the white people who donated us the tents told us that the tents belong to us. It is the camp owners who send the militia, and the militia tell us to keep the tents clean for them.[14]

13. As crisis conditions have eased and IDPs consider returning home, many have been systematically discouraged from leaving, or prevented from taking their tents with them. In one of many such reported incidents, IDPs from the Ufurow district of Bay attempted to leave a camp in the Hodan district of Mogadishu, as conditions were so poor and their treatment by the gatekeepers so appalling that they couldn't "stay and die there because of tents." The gatekeeper's militia opened fire to prevent them leaving, injuring some, and they ended up returning home without their tents.[15]

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[12] Interviews with IDPs, Badbaado camp, Mogadishu, August- September 2011.

[13] Interview with IDP woman, Madlama camp, Trebuunka area, Hodan district, Mogadishu, 5 January 2012.

[14] Interview IDP woman, Saredo camp, Tarbuunka area, Hodan district, Mogadishu, 5 January 2012.

[15] Interviews with IDPs, Bishaaro camp, Tarbuunka area, Hodan district, Mogadishu, 5 January 2012.

Dry Food Distribution

14. Dry food distributions, especially at the height of the famine, led to flagrant diversion by gatekeepers, who established sophisticated ways of robbing IDPs of their food. As new NGOs and emerging donors established programmes in Mogadishu, they often delegate the responsibility for distribution of food rations cards -- essential for IDPs to access assistance on a bi-weekly or monthly basis -- to camp leaders or managers, who routinely keep and sell ration cards to non-IDPs. Even when cards are provided to genuine IDPs, they do not guarantee the provision of rations: after food has been distributed and any aid agency personnel or monitors have left, IDPs are often required to 'sell' their food back to the gatekeepers, at a cost of 100,000 Somalia shillings (roughly equivalent to four dollars, and a fraction of the value of the assistance). Although practices vary from camp to camp, that amount seems to be standard in many locations. Those who object may be beaten or threatened, as a Somali IDP woman at Bishaaro camp explained to the SEMG:

> When the food convoys come, they [the camp management] line us up, and the Arabs [donor representatives] start filming us, we stand in line in the morning and we stay in the sun until late afternoon, when the pictures and filming is finished and the white people leave. When they [donors] leave, we also leave. We don't take any of the food. We only take 100,000 Somali shillings. We can't reject lining up, because if you reject you miss the 100,000 shillings, which you can use for one night for the children, so we are hungry and can not reject anything.[16]

15. The diversion of dry food rations led to a serious security incident in Badbaado camp, in August 2011, where WFP trucks were looted and seven people, including at least two IDP women, died in a shootout during the chaotic scene.[17] According to an eyewitness present in Badbaado that day: "Yusuf Kaballe, a district official, ordered his militia to steal the food aid, and the militia in the camp started shooting at them [...] as they wanted to loot the food themselves."[18]

16. The degree of diversion in general food distributions, as well as the difficulties in protecting the eneficiaries while ensuring proper monitoring, and in an effort to avoid more incidents like the one n Badbaado, as well as the looting of assistance from IDPs by gatekeepers and their allies, led WFP o move to targeted distributions in October 2011.[19]

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[6] Interview with IDP woman, Bishaaro camp, Tarbuunka area, Hodan district, Mogadishu, 5 January 2012.

[7] Interview with WFP representative, Nairobi, 25 April 2012.

[8] Interview with IDP man, Badbaado camp, Mogadishu, August 2011.

[9] Interview with WFP representative, Nairobi, 25 April 2012.

Wet Feeding Programmes

17. One strategy adopted by aid agencies and donors to avoid the pitfalls of dry ration distribution has been 'wet feeding' programmes – a practice first implemented, with considerable success, during the Somali famine of 1992-3. Wet feeding programmes involve the distribution of cooked food directly to beneficiaries, targeting the most needy and theoretically minimizing opportunities for diversion.

18. During the 2011-12 crisis, the largest wet feeding programme has been funded mainly by WFP (through in-kind contributions) and ECHO, although lesser donors included the Common Humanitarian Fund (CHF), Danish DANIDA and Swedish SIDA. The programme is managed by the Danish Refugee Council (DRC) and was implemented (until its end in February 2012) mainly by the Somali NGO Saacid.[20] Started in 2007 as a temporary solution to the difficulties of distributing food aid in Mogadishu, and continuing to the present, the programme offers another example of the co-optation of humanitarian assistance by various types of gatekeepers, including district commissioners and other corrupt officials

19. In order to implement the programme, Saacid employed all 16 Mogadishu district commissioners, paying them a monthly salary in addition to the remuneration they received as civil servants. The teams manning the kitchens in each district, comprising over 1000 employees in total, as well as the militia providing security, were all chosen by the district commissioners. This arrangement provided the district commissioners with an opportunity to establish patronage networks, while exercising near-total financial and social control over the programme.[21]

20. Well-documented allegations of diversion published by international media outlets[22] have been lent further credence by 'third party' monitors who have reported systematic interference with their work when trying to visit Saacid feeding sites including, but not restricted to, denial of access, physical abuse of beneficiaries and the "beautification of sites" during official monitoring visits by inflating the numbers of beneficiaries with people recruited from the street.[23]

21. Although most complaints about the wet feeding programme have been levelled against Saacid, credible allegations of diversion have also been levelled at other Somali contractors and NGOs, as well as international organizations. An investigation by the Associated Press pointed to the Somali NGOs Jumbo Peace and Development Organization and SORRDO, which were also responsible for components of the wet feeding programme.[24]

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[20] Saacid withdrew from the programme at the end of February 2012.

[21] Interviews with WFP, ECHO, DRC and Saacid representatives, Nairobi, January- April 2012.

[22] See: http://www.guardian.co.uk/world/feedarticle/9798947, 16 August 2011, and http://www.internationalorganizationsdesk.com/exclusive-somalia-famine-went-astray-g411484147, 16 March 2012.

[23] Third Party monitoring reports, August- October 2011.

[24] See: http://www.guardian.co.uk/world/feedarticle/9798947, 16 August 2011, and http://www.internationalorganizationsdesk.com/exclusive-somalia-famine-went-astray-g411484147, 16 March 2012.

22. It is clear that diversion of all types of aid is taking place on a large scale in Mogadishu, and that not all of it is the work of the gatekeepers. A field report by the ENOUGH Project describes a Mogadishu market visited by its researchers, where "bags of food bearing the bright insignias of the some of the largest donors and aid groups: World Food Program, United Arab Emirates, People's Republic of China, United States [were sold]".[25] Media reports describe similar scenes, and report conversations with shopkeepers acknowledging their merchandise is stolen food aid.[26] WFP is taking all possible measures to investigate and address allegations of theft, including through the use of third party monitoring and independent audit firms, but some other agencies donors and many donors appear to have turned a blind eye to the situation.

23. Diversion is not the only concern the SEMG has with the wet feeding programme. The SEMG is deeply concerned by the ethical questions raised around the payment of civil servants by an aid organization, and the reinforcement through aid of district officials' control over vulnerable communities. In the words of a Saacid official, "Even with the famine looming, it was a huge negotiation to get districts to agree to get the food and distribute it based on needs".[27]

Gatekeepers in Al-Shabaab-controlled areas

24. The gatekeeper phenomenon is not unique to Mogadishu, but manifests itself differently in Al-Shabaab controlled areas, where diversion is more straightforward. The SEMG's mandate corresponded with increased centralization of Al-Shabaab's decision-making processes. Decisions related to the banning of aid groups and the imposition of taxes have reportedly been directed by the central Al-Shabaab authorities in Afgooye.[28] Whereas agencies used to be able to reach accommodation with local Al-Shabaab officials, this has become increasingly difficult in recent months. Agencies report that in many areas, local Al-Shabaab officials have expressed regret at these orders 'from the top'.

25. On November 28th 2011, Al-Shabaab publicly banned 16 INGOs and UN agencies from working in areas under its control, it seized 22 aid agency compounds together with the assets belonging to these agencies.[29] In some cases, local Al-Shabaab officials expressed their opposition to the banning order and asked certain NGOs to continue working.[30] While some have remained, others are too concerned about the safety of their national colleagues to defy the ban.

26. In December 2011, Al-Shabaab imposed new tax requirements on the few international NGOs still working in southern Somalia. NGOs were given until the 12th of January 2012 to comply with a new demand to pay US$ 5,000 in registration fees every six months, plus 20% of the value of their

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[25] See: http://www.enoughproject.org/publications/somalia-famine-relief-view-mogadishu.

[26] See: Marc Thibodeau: "Qui vole l'aide alimentaire en Somalie?", La Presse, 1 November 2011.

[27] Skype interview with Saacid official, Nairobi, 15 April 2012.

[28] Interviews with security and armed groups experts, Nairobi, December 2011-January 2012.

[29] See: http://www.un.org/apps/news/story.asp?NewsID=40539.

[30] Interviews with INGOs heads of agencies, Nairobi, December 2011.

projects.[31] Although many agencies found ways to avoid payment, including via negotiations with local community leaders, others paid the fees to Al-Shabaab in order to maintain a presence on the ground. Some agencies' national staff decided to provide payment to Al-Shabaab by organizing collections amongst themselves.[32]

27. Similarly, in certain districts, NGOs providing cash assistance to vulnerable individuals and families were obliged to suspend, and in some cases terminate their programmes, as local Al-Shabaab officials insisted on control over the selection of beneficiaries and the distribution of money[33]. In one region, an international NGO came under such pressure by A-Shabaab that it had to suspend all cash distribution until the community intervened and convinced the Al-Shabaab administration to let the NGO resume the programme. In another region, another international NGO halted the programme permanently as negotiations to convince Al-Shabaab to allow the NGO to operate without interference failed.[34]

Conclusions

28. Working with or, worse, through gatekeepers has become a *modus operandi* accepted by many aid agencies and donors as the only way of "doing business" in Somalia. Although humanitarian imperatives demanded a degree of operational flexibility throughout the recent crisis, including acceptance of some corruption and diversion, the threshold for tolerance varied widely among humanitarian actors. In some rare instances, local authorities took steps to fight corruption. In Somaliland, at the beginning of June 2012, a court in Hargeysa convicted three government officials and two civilians accused of mismanaging food aid donated by Oman, sentencing them for up to eight years in jail. This type of action is the exception, rather than the norm, especially in view of the fact that the individuals convicted included several senior government officials.[35]

29. In TFG-controlled areas, abuses by corrupt district officials and other gatekeepers go much further than the exploitation of vulnerable populations for financial gain, and include serious violations of human rights.[36] This permissive environment is enabled by a culture of impunity created by the inaction of the TFG, and the refusal of donors to link assistance to conditions of delivery. Despite the UN funding the salaries of 5,000 police officers, as well as key positions in the government, including a humanitarian advisor,[37] the international community exercised remarkably little leverage over the central authorities to limit the freedom of action of potential 'gatekeepers' and to permit humanitarian agencies to operate independently. On the contrary, international donor and agency acceptance, for example, that District Commissioners be paid by a local NGO to permit aid distribution in their areas, served to relieve governing authorities of their responsibilities while

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[31] Interviews with INGOs heads of agencies, Nairobi, December 2011.

[32] Ibid.

[33] Interviews with INGOs heads of agencies, Nairobi, December 2011-January 2012.

[34] Ibid.

[35] See: http://somalilandpress.com/somaliland-court-convicts-a-dozen-in-corruption-related-cases-29763.

[36] See Annex 7.2.

[37] Interview with UN head of agency, Nairobi, 26 January 2012.

reinforcing the role of 'gatekeepers'. While humanitarian imperatives may have been legitimately invoked to justify such compromises in the midst of a crisis, there is an urgent need for donors and agencies to review and revise their programmes to ensure that they are redirected to engage with legitimate local and governmental authorities, while enhancing transparency and accountability.

Annex 6.2.a.: Sample of reports by 'third party' aid monitors (CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is confidential.

Annex 7

Violations of international humanitarian law

Annex 7.1.: Attacks on civilians (CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is confidential.

Annex 7.2.: Gender based violence (GBV)

1. Gender based violence (GBV) is a reality throughout most, if not all of Somalia, but is most serious and pervasive in areas of central and southern Somalia controlled by parties to the conflict. However, a number of factors impede the ability of human rights and aid agencies to understand the full picture of GBV in Somalia: cultural sensitivities, in particular, make it extremely difficult for women to discuss sexual violence, since their male relatives often equate sexual violence with harm to the family's honor. Governing authorities at the central and local levels typically downplay or simply deny the involvement of their forces in sexual violence. A culture of impunity prevails throughout the country, especially in central and southern Somalia, where access to justice is weak or non-existent, and the burden of proof is often placed on victims to identify their attackers before an investigation can even be considered. A lack of access to vulnerable populations, combined to the physical and psychological control many gatekeepers exercise over IDPs - prime targets for sexual violence - makes it extremely difficult for the international community to adequately report on and address GBV.

2. Nevertheless, some general patterns of GBV, including some emerging trends, are relatively clear. IDPs are at greatest risk of sexual violence throughout Somalia. Beneficiaries of humanitarian assistance report that the threat of sexual violence is greatest at the time of aid distribution: IDP women and girls report that security guards and TFG soldiers at distribution points often demand sex in exchange for access to aid.[1] IDP camps are frequently raided at nights after distribution has occurred, leaving women and girls vulnerable to sexual violence at these times as well.[2]

3. In late 2011, UN agencies monitoring GBV noted an emerging trend in which reports of sexual assault involving multiple perpetrators were becoming more common. Here again, IDP women, present in large numbers in urban centres, appear to be the prey of choice. The profile of the perpetrators varied depending on the location of the victims: whereas in Mogadishu, GBV is often blamed on TFG forces or militia, in Puntland and Somaliland, displaced women report being gang-raped by members of the host community.[3]

4. According to aid agencies, approximately 30% of reported sexual violence cases relate to children.[4]

Al-Shabaab-controlled areas

5. Because of the lack of access to Al-Shabaab controlled areas, the SEMG conducted interviews with refugee women in Kenya and Ethiopia. These confirmed a pattern of gender-based violence by Al-Shabaab militants, including the forced marriage of women and girls to Al-Shabaab fighters – sometimes as a 'reward' for men who have volunteered to be suicide bombers.[5] Once a girl is taken,

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[1] Interviews with UN and INGOs, Nairobi, January- April 2012.

[2]. Ibid.

[3] Interviews with UN and INGOs GBV officers, Nairobi, January 2012-March 2012.

[4] Ibid.

[5] Focus group discussions with Somali refugee women, Dolo Adow, Ethiopia, 7 March 2012.

contact with her family is usually severed, and she becomes a virtual prisoner of the militant group. Family members who protest these practices risk violence, or even death. As one woman told the SEMG:

> My daughter was 13 when they took her. My husband tried to negotiate with them, but they beat him. They said if we don't let our daughter go, they will take another one. We didn't have a choice. We let her go.

6. Al-Shabaab also enforces a dress code for women, requiring them to wear conservative *khimar* or *jilbabib* head coverings, in place of the more traditional Somali *garbarsaar* and *masar*. Women who defy this dress code risk being beaten. As one refugee woman from Bakool told the SEMG: "They beat me because I wore a *garbarsaar*. But this is the way Somali women dress! I don't know why it makes them so angry".[6] Similarly, women in Al-Shabaab-controlled areas have reported being beaten when leaving the house without a male relative.[7]

TFG-controlled areas

7. Women in TFG-controlled areas are at no less risk of GBV. Incidents of sexual violence in IDP camps are especially high, with rape described as "endemic" by human rights activists and aid workers alike.[8] In Mogadishu, women routinely report being assaulted by "men in uniforms", whom they identify as "soldiers" or "police". The TFG authorities argue it is impossible to know whether the perpetrators do, in fact, belong to TFG forces, as uniforms are widely available for sale in the market[9].

8. IDP women are the most likely to be assaulted in TFG-controlled areas. According to a senior UN humanitarian official, the absence of standards in the way the camps are managed, and the lack of responsible supervision, contributes to an environment conducive to abuse and impunity. Indeed, the questionable shelter conditions, the insufficient space, and the poor management of access to food and water all contribute to a climate of vulnerability for IDPs, with women particularly at risk.[10]

9. Another key contributing factor to the prevalence of GBV in IDP settlements is the control exercised by district officials and other gatekeepers. In most settlements, "security" is provided by the district militia, and men with weapons patrol the camps at all times. Most IDP victims identify theirs attacker as being in some position of authority. A mother of five from an IDP camp in Trabuunka recounted that IDP women are "shocked to be attacked by men in government uniforms, so they are reluctant to report their rape."[11] Another woman explained that the four men who raped her "wore the mixed light brown uniform of the forces, which the military people wear".[12]

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[6] Ibid.

[7] Ibid.

[8] Interviews with UN, INGOs and Somali NGOs heads of agencies, Nairobi and Mogadishu, December 2011-March 2012.

[9] Interviews with with UN and INGOs GBV officers, Nairobi, January 2012- March 2012.

[10] Interview with UN senior humanitarian official, Mogadishu, 13 March 2012.

[11] Interview with IDP woman, Midnimo camp, Tarbuuka, Mogadishu, January 2012.

[12] Interview with IDP woman, Badbaado camp, Mogadishu, August-September 2011.

10. The presence of their husbands and fathers does not protect IDP women and girls; in fact, many men report being present when the sexual assault took place. An IDP man from Badbaado camp in Mogadishu, described the rape of his 25 year-old pregnant daughter:

> Four government soldiers who had their uniforms and arms attacked her when she was sleeping with her husband. They blindfolded both of them, raped her and beat the husband […].[13]

11. Faced with inaction and possible complicity on the part of the authorities, many IDPs find the situation in Mogadishu's camps intolerable, and feel they have no recourse but to leave. A man from Badbaado camp stated: "When [we] stayed in the camp ten days without seeing anyone from the government, the local police raped another woman who is eight months pregnant, so most of us vacated the camp".[14]

Countering a culture of impunity

12. The persistence of GBV in Somalia is in part a product of the country's protracted conflict and absence of effective central government. But even where responsible authorities exist, sexual violence is abetted by a culture of impunity for perpetrators, and the lack of judicial recourse for its victims. Women who seek refuge in neighbouring countries find the situation little better: several women interviewed by the SEMG in refugee camps in Ethiopia reported incidents of rape by "bandits" on the road.[15] Moreover, rapes of Somali women by Kenyan soldiers and police in Kenya, as part of a politics of reprisals against Somali civilians for the actions of Somali militants, have been well documented by Human Rights groups.[16] The Monitoring Group is unaware of any investigations undertaken by these governments to identify the perpetrators and bring them to justice.[17]

13. In TFG-controlled areas, several women's groups have told the SEMG that they do not trust the authorities to properly investigate and prosecute sexual violence. Since many believe their assailants to be members of the TFG security forces, they and their families are reluctant to approach the police to report a rape. In the rare cases where complaints have been made, they are typically met with inaction and negligence; if victims are unable to identify the perpetrators, the case is usually closed. When arrests have been made, the perpetrators are often released without charges.[18]

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[13] Interview with IDP man, Badbaado camp, Mogadishu, August-September 2011.

[14] Interview with IDP man, Badbaado camp, Mogadishu, August-September 2011.

[15] Interviews with UN and INGOs GBV officers, Dolo Adow, Ethiopia, 8 March 2012. Although many informants appeared to have personally experienced sexual violence, they typically referred to incidents of GBV in the third person, probably because of the social stigma associated with rape.

[16] See Human Rights Watch, "Kenya: Security Forces Abusing Civilians Near Somalia Border", 12 January 2012, at: http://www.hrw.org/news/2012/01/12/kenya-security-forces-abusing-civilians-near-somalia-border.

[17] Interviews with UN and INGOs heads of agencies, Nairobi and Addis Ababa, March 2012.

[18] Interview with IDP women, several IDP amps, Mogadishu, August 2011-January 2012.

14. Somali women rights organizations, as well as UN agencies and INGOs, describe a culture of denial within the TFG on issues related to sexual violence. Women rights activists told the SEMG they had raised the issue of rape of IDPs at the highest levels of the TFG, only to be told that "rape does not happen in Somalia" – a position expressed by a senior TFG official during a meeting with the SEMG in Mogadishu- or to be instructed to "bring the victims to us if they have really been raped" – a response they considered tantamount to to intimidation.[19] Efforts by UN agencies and INGOs were met with similar responses.

15. Some initial steps have been taken by the TFG and the international community to address rampant insecurity in IDP camps. These include the creation of a civilian protection police force comprising 500 Somali women, the occasional arrest of alleged perpetrators, and an overall improvement in camp conditions.[20] The establishment of a joint UN/ TFG Working Group on GBV has been agreed to by the Prime Minister's office, but at the time of writing, it had yet to hold its first meeting.

16. In Somaliland and Puntland, the situation is comparatively better, in part because UNDP has worked with the authorities to establish women and children's desks at police stations.[21] Another small sign of progress has been the appointment of the first female prosecutor in Puntland.

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[19] Interview with Women rights organizations, Mogadishu, 14 March 2012.

[20] Interviews with UN officials, Nairobi and Mogadishu, January-March 2012.

[21] Interview with UNDP representative, Nairobi, 23 January 2012.

Annex 7.3.: Recruitment and use of child soldiers

1. All principal parties involved in the armed conflict in Somalia -- the Transitional Federal Government, Alhu Sunnah Wal Jama'a (ASWJ) and Al-Shabaab -- recruit and use children to join the ranks of their armed forces.

2. Children serving with the TFG tend to be older than those serving with other armed groups. Many are enticed into military service by the promise of a payment; others have been enrolled when their previous TFG-allied militia groups were integrated into the TFG force structure en masse. Despite the TFG's public commitments to end the recruitment and use of children as soldiers (see below), the practice continued during the SEMG's mandate, with the UN and rights groups documenting recruitment in IDP camps, and incidents of under-age adolescents being sent by the TFG to Uganda for military training before being screened and sent back by the EU training mission, which conducts the only screening specifically focused on the age of the recruits.[1]

3. Al-Shabaab's recruitment methods are the most coercive, and have become increasingly aggressive since 2011, as the group has faced mounting military pressure from foreign military forces and their Somali allies. Children as young as 11 are routinely taken from their homes or schools, and parents may be killed if they protest.[2] Forced recruitment has in effect forced many families to flee Al-Shabaab controlled areas, in an attempt to protect their children from being enrolled straight from school, as teachers have also come under pressure to send recruits to the frontline.[3]

4. On 25 February, the Al-Shabaab administration in Afgooye reportedly ordered the closure of several Koranic schools. The order followed the refusal by some teachers to enlist children younger than 15 to serve in Al-Shabaab forces. Some of the religious teachers were also reportedly arrested.[4] Somali Human rights activists from the area reported that after the schools were reopened, teachers advised parents to keep older boys (over 10 years old) at home to avoid forced recruitment.[5]

5. Incidents like these have been replicated throughout Al-Shabaab controlled territories. The SEMG interviewed Somali refugee boys, between the ages of 13 and 17, who had fled their homes in southern Somalia to escape forced recruitment by Al-Shabaab, and to avoid punitive measures against their families should they refuse to join. When asked by the SEMG why he left his family behind, one boy from Bay region replied: "Would you want to go kill people?".[6] Another explained that he didn't feel safe anywhere in his home town: "They come for us at school, when we play outside, in our homes. I didn't know where to hide".[7]

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[1] Interviews with UN and NGOs, Nairobi and Mogadishu, December 2011- March 2011.

[2] Ibid.

[3] Focus group discussions with Somali Refugee Women, Dolo Adow, 8 March 2012.

[4] See: http://www.bar-kulan.com/2012/02/25/afgooye-al-shabaab-oo-xirtay-dugsiyo-quraan.

[5] Interviews with Somali Human Rights activists, Nairobi, April 2012.

[6] Interview with Somali refugee boy, Dolo Adow, Ethiopia, 7 March 2012.

[7] Ibid.

Mitigating measures

6. Efforts to combat the recruitment and use of child soldiers in Somalia are still in their infancy. Article 26 of Somalia's Transitional Federal Charter (TFC) of February 2004 explicitly prohibits the use of children under 18 years of age for military service.[8] In November 2011, the TFG reiterated its commitment to adhere to formal UN action plan to end its use of child soldiers.[9] These commitments have been publicly renewed twice, in May 2011 at the UN human Rights Council,[10] and during the November 2011 visit to Mogadishu of the Special Representative of the Secretary General on Children in Armed conflicts[11].

7. These commitments have yet to be translated into practice. A State Minister for Child Protection and Human Rights was appointed by then-Prime Minister Mohamed Abdullahi in December 2010, but this position was not renewed when a new Cabinet was appointed in September 2011.[12] And while there is no evidence that the TFG forces deliberately enlist children as soldiers, the government has yet to put into place screening measures that ensure children do not join the ranks of its armed forces, either directly, or through the integration of TFG-affiliated militias.

8. Recruits for TFG forces who undergo EU-funded training in Uganda are formally screened for age by several actors, including the TFG and the US in Mogadishu, and the EU in Uganda, thereby improving the odds of identifying children, even if screenings are not always focused on the age of recruits. However, recruits who are not trained in Uganda or who have been directly recruited from militias typically are not screened.[13]

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[8] See: http://www.so.undp.org/docs/Transitional%20Federal%20charter-feb%202004-English.pdf, ch. IV, art..26 (d).

[9] See: http://www.un.org/children/conflict/english/pr/2010-11-03247.html.

[10] UN General Assembly and Human Rights Council, Draft report of the working group on the Universal Periodic Review on Somalia, A/HRC/WG.6/11/L.4, May 6, 2011, para. 24.

[11] See: http://www.un.org/children/conflict/english/pr/2011-11-23277.html.

[12] Human Rights Watch report, *No place for children*, March 2012. See at: http://www.hrw.org/node/105166/section/7#_ftnref125.

[13] Ibid.

Annex 7.4.: Forced displacement, confinement and returns (CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is confidential.

Annex 8

State Cooperation with the Monitoring Group

Annex 8.: State cooperation with the Monitoring Group

	State	Letters sent*	Requested information fully received	Requested information partially received	Requested information not received**
NON-COOPERATION	**United Arab Emirates**	10	0	0	10
	South Africa	4	0	0	4
	Ethiopia	2	0	0	2
	Eritrea	2	0	0	2
	Iran	2	0	0	2
	Kuwait	2	0	0	2
	Saudi Arabia	2	0	0	2
	Germany	1	0	0	1
	Jordan	1	0	0	1
	Malaysia	1	0	0	1
	Mozambique	1	0	0	1
	Congo (Brazzaville)	1	0	0	1
	Seychelles	1	0	0	1
	Sudan	1	0	0	1
	Tanzania	1	0	0	1
	TFG (Puntland)	1	0	0	1
	Uganda	1	0	0	1
	Total non-cooperation	34	0	0	34
PARTIAL COOPERATION	**China**	4	0	4	0
	Oman	4	2	0	2
	France	3	1	1	1
	Yemen	3	1	0	2
	USA	3	1	1	1
	Egypt	2	1	0	1
	Djibouti	2	0	2	0
	Kenya	2	1	0	1
	Russian Federation	2	1	0	1
	Qatar	2	0	1	1
	British Virgin Islands	1	0	1	0
	Zambia	1	0	1	0
	Total partial cooperation	29	9	10	10

FULL COOPERATION	**Switzerland**	3	3	0	0
	India	2	2	0	0
	Armenia	1	1	0	0
	Australia	1	1	0	0
	Bulgaria	1	1	0	0
	Canada	1	1	0	0
	Guinea (Conakry)	1	1	0	0
	Ireland	1	1	0	0
	Romania	1	1	0	0
	Rwanda	1	1	0	0
	Ukraine	1	1	0	0
	Turkey	1	1	0	0
	Total full cooperation	15	15	0	0

Analysis

During the course of the Monitoring Group's mandate, 17 States did not cooperate with the Monitoring Group, 12 provided only partial information, and 12 replied comprehensively to SEMG requests. As a result, the Monitoring Group just received 24 letters responding fully to SEMG's requests, out of 78 letters sent, what is representing a response rate of 30.7 per cent.

* Only includes official correspondence sent from the Monitoring Group via the Security Council Sanctions Branch at the UN Secretariat to UN Member States' Permanent mission.

** This implies that either no response was received by the Monitoring Group, or that the response was deemed insufficient.